

MINE SAFETY AND HEALTH ADMINISTRATION

UPPER BIG BRANCH MINE - SOUTH

INTERNAL REVIEW

WEDNESDAY, JUNE 15, 2011

AUDIOTAPED

INTERVIEW

<sup>OF</sup>  
*Roof Control Supervisor*  
[REDACTED]

MSHA:

[REDACTED]

[REDACTED]

[REDACTED]

INTERVIEWEE:

[REDACTED]

1 check sheet that came from Arlington but the one I use is not in  
2 this form.

3 Q: Okay.

4 A: No. I don't - I don't remember this. This is not  
5 what I use.

6 Q: Okay. Alright, the check sheet that you use then,  
7 what is that?

8 A: It came from Arlington.

9 Q: Is this, [REDACTED], what you use?

10 A: The letter looks correct. That roof control approval  
11 process is correct. New submittal, correct, so this looks like  
12 it. Do you want me to look it over [crosstalk]?

13 Q: No, no, you don't have to review [crosstalk].

14 A: This certainly looks like it.

15 Q: Okay.

16 A: This is what I use.

17 Q: When was that instituted? You didn't - you didn't use  
18 this, you're saying, but you [know this from here]?

19 A: Yes.

20 Q: When did you institute that?

21 A: Whenever this...

22 Q: Date from...

23 A: Yes. I mean when I got this, it became implemented.

24 Q: Okay. Page four of the General Safety Precautions  
25 addresses AMS pillar sizing.

1 Q: [REDACTED], that's the wrong checklist.

2 Q: Oh, it is? That's in the other checklist. Alright,  
3 I'm sorry. Forget that question.

4 Q: Let's skip number six then.

5 Q: There is no checklist attached to a copy of the  
6 October 2009 roof control plan tracking sheet or six-month  
7 review forms. Was this or any checklist used for this Upper Big  
8 Branch plan review? Would you know?

9 A: Yeah. I did<sup>h</sup> this.

10 Q: Now - now, you did that?

11 A: Yes and if you go through there, you'll pretty well  
12 find it that they're in there.

13 Q: We can't find the checklist [crosstalk].

14 A: No, no, on there. I don't know what [end of] the  
15 checklist because I noticed that but I used it. I did use it  
16 and what I'm saying is if you look at the plan and you look at  
17 this checklist, I think you'll find it's there. There may be  
18 one I don't know about but I think you'll find it's there.

19 Q: But you don't save a copy of the checklist?

20 A: I don't know why I used it. I know I used it because  
21 we had to even go back and get some things changed because it  
22 wasn't in there so I know I used it. Now, why [crosstalk]...

23 Q: Do you happen to know why a copy wasn't attached or  
24 misplaced [crosstalk]?

25 A: I don't know. I don't know. It must - I don't know.

1 I don't have the answer to that because I looked and I know it's  
2 not there, but I do know I did it and if you want to go through  
3 the plan, I think you - which I'm sure you have, how many  
4 weren't in there?

5 Q: Do you usually keep a copy with your other ones?

6 A: Yes. Yes, we do. I put this - the way we do our  
7 plans, we have a folder. We put the plan on the right with the  
8 approval letter and all the back-up on the left and then when we  
9 get it approved, she puts everything together and I'll always  
10 put this on the left with the routing sheet and I know I did it.  
11 And like I say, if there's something that's in here that's not  
12 in there... what is it?

13 Q: Where does those copies normally - where are they  
14 maintained in [crosstalk]?

15 A: In our file.

16 Q: Okay. On page six of that document, the checklist  
17 requires a check of possible overlying bodies of water.

18 A: Right, right.

19 Q: Okay. Was this checked off on the Upper Big Branch or  
20 would you remember? Was that checked off?

21 A: I think it was probably checked off I would think.

22 Q: Don, how do you do that as far as going back and  
23 looking for bodies of water?

24 A: I don't. The other people do it. There's usually a  
25 statement in there and then again, I don't have the plan for it.

MINE SAFETY AND HEALTH ADMINISTRATION

UPPER BIG BRANCH MINE - SOUTH

INTERNAL REVIEW

MONDAY, JUNE 13, 2011

AUDIOTAPED

INTERVIEW

OF  
*Roof Control Specialist*  
~~XXXXXXXXXX~~

MSHA:

~~Dennis S. Cameron~~

~~Russ Weekly~~

~~Melody Bragg~~

INTERVIEWEE:

~~Dennis S. Cameron~~

Confidential Agency Document

DLB-000580

MSHA-2ECAMERON-0180

1 opportunity to make a statement and provide us with any other  
2 information that you believe to be important. If at any time  
3 after the interview, you recall any additional information that  
4 you believe might be useful, please contact ~~Mark Kuzar~~ at the  
5 telephone number or email address being provided to you.

6 Q: Okay. Referring to the Roof Control Department check  
7 sheet, is the use mandatory for plan reviews, and I'll provide  
8 you with a copy of that. On the top that says "Initial Roof  
9 Control Plan Checklist" refer to 75.221, 75.222 and use the  
10 following as a guideline.

11 A: This checklist right here?

12 Q: Yes, and is - is that mandatory for the reviews?

13 A: It's not mandatory that I use the checklist. I - there  
14 is a checklist that ~~Mark~~ makes sure that's used, you know, the  
15 Arlington gave out that he's got to go through.

16 Now, internally, we've generated our own checklist that we use  
17 just to make sure that we've got, you know, for our own benefit  
18 to make sure everything's in there that, that we don't miss  
19 anything in it, you know. So -

20 Q: Okay. Is that the checklist that you're talking  
21 about?

22 A: Well...

23 Q: And we're not [crosstalk]

24 A: It looks, it looks very similar to the one we - the  
25 one we use. I'm just not - this is an initial. I believe - I

1 believe these are the Arlington check - checklists that you have  
2 presented me with, which ours are very similar, so - the ones  
3 that we use, so.

4 Q: Okay. When was the check sheet in - instituted? Do  
5 you recall?

6 A: I don't remember the date. I mean, we've been...

7 Q: Is it like for a couple of years? Two years?

8 A: We've been doing - we've been doing - yeah, it's been  
9 a year, two years that Arlington did that. That was initiated  
10 back when ~~Cathy Seale~~ was up in Arlington. Prior to that, prior  
11 to that, we had our own that we used that we generated for our  
12 own use.

13 Q: Okay. And this checklist that you're speaking about  
14 that you've used, could we get a copy of that?

15 A: I'm sure you did if you asked for it. I'm not sure.  
16 I mean, we provided everything that was asked for.

17 Q: Okay, but I'm...

18 A: It's very similar to this.

19 Q: Okay. Could we get a copy of it then?

20 A: Sure, if you want. I'll give it out.

21 Q: Okay.

22 Q: Exactly what should I request?

23 A: Just ask for our checklist. It's, you know, we just  
24 use that for our own benefit, you know. That way...

25 Q: Yeah.

### **Field Office Supervisor – Tailgate Roof Support**

**Issue:** Page 19 of the base roof control plan submitted by the operator on October 27, 2009, and approved by the District Manager on December 23, 2009, required the tailgate travelway of initial longwall panels to have supplemental support in the form of two rows of 8-foot long cable bolts or two rows of posts on 4-foot centers installed in the middle of the entry between primary supports. This supplemental support was required to be maintained 1,000 feet outby the longwall face at all times. The MSHA Accident Investigation team found there was only one row of supplemental support in the tailgate travelway as opposed to the two required in the approved plan.

On March 9, 2010, the Field Office Supervisor and a ventilation specialist inspected the tailgate of the 1 North Longwall at UBB. While the ventilation specialist and the Field Office Supervisor identified a serious violation of the ventilation plan and issued an order for that condition, they did not cite a violation of the roof control plan.

The Field Office Supervisor documented that he reviewed the Uniform Mine File (UMF) on January 28, 2010, before accompanying an inspector who was conducting a section 103(i) spot inspection at UBB. The date stamp on the approval letter shows that the roof control plan was filed in the UMF on January 20, 2010.

The Field Office Supervisor told the Internal Review team that he believed UBB was in compliance with all provisions of the approved plan, but stated that he could not recall if posts or cable bolts had been installed in the tailgate entry.

The Field Office Supervisor also provided information during an interview on the distribution and filing of plan revisions within the field office. He stated copies are provided to him and the inspector assigned to that particular mine and another copy is placed in the UMF.

### **Supporting Documentation:**

- Copy of December 23, 2009, roof control plan approval letter showing the approved roof control plan was filed in the UMF on January 20, 2010 (Approval Letter for RC Plan.pdf)
- Page 19 of the approved roof control plan (RC Plan Page 19.pdf)
- UMF certification sheet showing that the Field Office Supervisor reviewed the UMF on January 28, 2010, for a section 103(i) (E02) spot inspection. (Field Office Supervisor – Tailgate Travelway.pdf)



- Pages from the Field Office Supervisor's transcript that discuss roof support in the tailgate travelway and how plans are distributed in the field office. (Field Office Supervisor - Tailgate Travelway.pdf)
- Ventilation Specialist's notes indicating that the Field Office Supervisor traveled with him in the 1 North Longwall tailgate travelway on March 9, 2010. (Field Office Supervisor - Tailgate Travelway.pdf)
- There were no notes from the Field Office Supervisor for March 9 provided to the IR team.

**Mitigating Factors:** The single row of posts would have complied with the 2005 roof control plan tailgate travelway requirement but not with the requirement in the 2009 approved plan in effect at the time of the explosion.

Attachment #2

U. S. Department of Labor

Mine Safety and Health Administration  
100 Bluestone Road  
Mount Hope, WV 25880-1000



DEC 23 2009

UNDERPINNING AFTER FILE
DATE FWD. 1/5/2010
INITIALS <i>CLS</i>

Mr. Berman Cornett  
Safety Director  
Performance Coal Company  
P.O. Box 69  
Naoma, WV 25140

Dear Mr. Cornett:

Subject: Update of the Roof-Control Plan, Upper Big Branch Mine- South,  
I.D. No. 46-08436, Performance Coal Company, Montcoal, Raleigh  
County, West Virginia, Permit No. 4-RC-11-94-12307-12

Your roof-control plan, received on October 27, 2009, has been reviewed and is approved. This approval is based upon a District review of the roof conditions and roof-control practices in the mine by representatives of the Mine Safety and Health Administration, and includes any changes made by you at that time.

Should you have any questions concerning your roof-control plan, please contact Don Winston at this office, (304) 877-3900, Extension 130.

Sincerely,

Robert G. Hardman  
District Manager  
Coal Mine Safety and Health, District 4

MSHA  
MOUNT HOPE, WV

JAN 06 2010

RECEIVED  
MOUNT HOPE FIELD

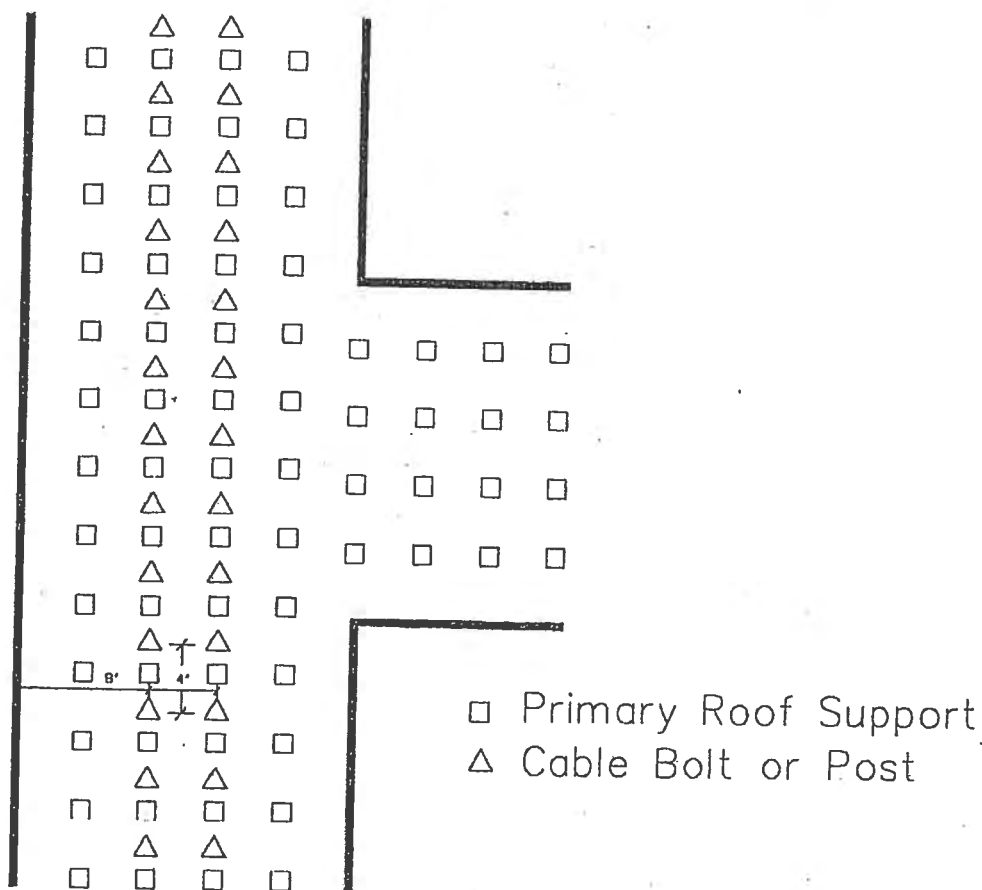
Enclosure

cc: State Inspector-at-Large, Oak Hill Division (1 encl.)  
Mount Hope Field Office (3 encl.)  
Lee Barker (1 encl.)  
Files/cls

FIELD OFFICE FILE
DATE FILED 1/20/10
INITIALS <i>g</i>

# ROOF CONTROL PLAN DIAGRAM NO. 9

SUPPLEMENTAL SUPPORT IN TAILGATE ENTRY



In Longwall development entries of initial longwall panels, the Tailgate Entry will have supplemental support in the form of two (2) 8' Cable Bolts or Posts installed between primary support. This supplemental support shall be maintained 1000' outby the longwall face at all times.

PERFORMANCE COAL COMPANY, INC.  
UPPER BIG BRANCH MINE

MSHA ID NO. 46-08438 WV State # U-3042-92

ROOF CONTROL PLAN DIAGRAM NO. 9  
SUPPLEMENTAL SUPPORT IN TAILGATE ENTRY

DATE: 10-27-08

SCALE: 1" = 10'

PAGE 19

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DLB-000586

MSHA-2ECAMERON-0186

Supervisor/Accountability Review  
CertificationU. S. Department of Labor  
Mine Safety and Health Administration

1. Mine ID Number	2. Mine Name	3. Company Name
<div style="display: flex; gap: 10px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>		

Date Reviewed	Reviewer(s) Name	Division/Office	Date Mine File Last Reviewed by Inspector	Comments (missing documents, obsolete data, etc.)
7/22/09 <del>7/22/09</del> <del>7/29/09</del> <del>7/29/09</del>	<del>11</del> <del>11</del> <del>11</del>	MT Hope 11	1/5/09 7/29/09	EO 1 EO 2
10-6-9	<del>11</del>	11	10-2-9	EO 1
1-28-10	<del>11</del>	11	1-28-10	EO 1
4-6-10	<del>11</del>	11	4-6-10	EO 1 - Review
4-7-10	<del>11</del>	11	4-1-10	EO 1 - Review
4-7-10	<del>11</del>	MT Hope	4-5-10	Health Plans Review - missing Gen Post Aka Report
10-29-10	<del>11</del>	MT Hope	10-29-10	

MSHA Form 2000-138, July 92 (revised)

Confidential Agency Document  
DLB-000587

MSHA-2ECAMERON-0187

Field Office Supervisor

~~Field Office Supervisor~~ 6-15-2011 Session 1

24

1 place.

2 Q: What would that be based on? So many accidents per  
3 year or what?

4 A: It may be based on a current accident, something that  
5 has happened whether it be a severe accident or  
6 [unintelligible].

7 Q: Okay. Is there a - okay. There's more - is there a  
8 particular number of mines that Part 50 is done in District 4  
9 per year or per quarter or anything like that? I mean, to the  
10 best of your knowledge.

11 A: I don't know if there is a specific number that is  
12 [unintelligible] Part 50.

13 Q: Okay.

14 A: [Unintelligible]

15 Q: Okay. Have you ever had any conducted in your  
16 workgroup?

17 A: Yes.

18 Q: Okay. What was they conducted for? Was it a fatal  
19 accident or an accident?

20 A: Best of my knowledge, it was a, it was a combination,  
21 I think, of both. I, I think something that occurred that  
22 [unintelligible] to us and then...

23 Q: Okay. Alright, we're going to go back to the mine..  
24 Now, after Big Branch, I'm going to give you some notes that  
25 Keith Sigmon, an inspector, done on March the 9<sup>th</sup>, 2010. And you

1 traveled with him and that's why, why I'm giving this with you  
2 also. And he traveled up the tailgate of the longwall. I've  
3 got a few things highlighted, but you're welcome to look at  
4 these as much as you want to. This was during an EO1  
5 inspection.

6 A: Uh-huh.

7 Q: You doing alright? You need a break or anything?

8 A: I'm fine.

9 Q: Alright. What we want to ask you about that, Tom, and  
10 if you looked far enough yet, you and ~~XXXX~~ <sup>Vent Specialist</sup> traveled the, the  
11 longwall tailgate that day from outby towards the longwall face.  
12 Describe how the tailgate was inspected for compliance with 228  
13 - 75.228 <sup>Q-A-1</sup> ~~75.228-1~~ which was the roof control plan.

14 A: You were trying to the tailgate?

15 Q: Yes, sir. How was the tailgate inspected for  
16 compliance with the roof control plan that day? And I - you can  
17 say as far as any - what, what type of roof control was supposed  
18 to be in the longwall tailgate that day? How did you ensure  
19 that it matched what the plan stated was required?

20 A: The best of my knowledge have been it - it was a -  
21 everything was, was according to the plan that day there. Best  
22 of my knowledge.

23 Q: I want to give you a copy of out of the roof control  
24 plan base 5 that was approved late December of 2009 and it's -  
25 there's four grounds there. Be different ones for different

1 things for the way the longwall will be set up - the longwall  
2 tailgate. And what this is, is the supplemental support that's  
3 required in it. And again, do you remember if all the  
4 supplemental support that was required in the tailgate, was it  
5 installed in the tailgate on March the 9<sup>th</sup>, 2010? I understand  
6 that's been well over a year now.

7 A: I don't recall whether it's the supplementary support  
8 like [what I'm -] was in place. But we did travel that area.

9 Q: Okay. The supplemental support would either have been  
10 some kind of additional cable bolts or would have been a post  
11 standing. Do you remember seeing any posts?

12 A: I don't recall a post.

13 Q: Okay. Do you remember any - ever crossing any cable  
14 bolts?

15 A: No.

16 Q: Additional bolts is required as, as shown, I think  
17 it's the second page is what I just gave you.

18 A: Yeah. I, I, I don't recall.

19 Q: Okay. Like I said that has been a long time ago. Do  
20 you or do you encourage the inspectors that you travel with to  
21 generally carry a copy of the roof control ventilation plan,  
22 whatever that may be...?

23 A: Yes.

24 Q: ...applicable to what they're doing that day?

25 A: Yes.



*ventilation specialist*

27

1 Q: Do you know if [REDACTED] had a copy of it with him?

2 A: No, I don't.

3 Q: Okay. We'll move on to another subject then? Unless  
4 wanting to look or think some more about that that's fine.  
5 We'll not rush you a bit.

6 A: I'm fine.

7 Q: Okay. Just generally, maybe, can you tell me what  
8 training you've had or given on 75.37(a)(1) - that's the  
9 ventilation plan - but the part of it necessarily concerning  
10 dust control parameters. I know that may be a broad topic but  
11 the ventilation plan requires certain dust control parameters  
12 being in it whether it's outby to control dust at transfer  
13 points, [unintelligible] you know whatever or even on the  
14 section on equipment or, you know, continuous manner as  
15 longwalk, can you just generally say what training that you've  
16 had or even given to your inspectors on enforcing that part of  
17 the ventilation plan?

18 A: I'm trying to understand the question.

19 Q: I know it is a broad, broad topic. One of concerns  
20 that, that we're looking at - or not, we're really looking at -  
21 they have teams also looking at, is the dust control of - for  
22 float dust along belt lines, water sprays possibly in head  
23 drives or something. What training have you had or have you  
24 given concerning dust control parameters? We're moving a lot  
25 down even to that along the belt drives along the belt lines.



Field Office Supervisor  
~~Thomson~~ Interview

12-1-2010

70

1 A: Yes.

2 Q: Do they ever have a reason to review UMF books that are  
3 kept in the Mount Hope Field Office?

4 A: Yes.

5 Q: Do they come to the field office to do that?

6 A: Yes.

7 Q: Okay. As far as the supervisor, when do you review the  
8 UMF?

9 A: I -- I try to review them during the whole quarter and,  
10 if I'm traveling with the person, I'm traveling with a certain  
11 inspector, I review that. So I try to review then with them the  
12 whole quarter.

13 Q: Tell me about your review as a supervisor. What do you  
14 do as far as the UMF's are concerned?

15 A: As far as the --

16 Q: -- Uniform Mine File.

17 A: -- Uniform Mine File?

18 Q: Tell me about your review.

19 A: It's just that -- my review is the same as the  
20 inspector's review. I look at the plans, I look at the  
21 ventilation, I look at the roof control, the waivers, the  
22 safeguards, and then make sure that he has signed it, showing  
23 that he has reviewed it.

24 Q: Do you ever find any inaccuracies?

25 A: Do I ever find any?

1 Q: Yeah.

2 A: Yes, on occasions you do, yes.

3 Q: Okay. How do you document your --

4 A: How do I document it? I -- I'd sign that I have  
5 reviewed it and -- and issue a date when the inspector himself  
6 has reviewed it, you know.

7 Q: Do you have any sort of checklist, say from Mine Plan  
8 Approval Database, to compare against the UMF to make sure  
9 everything's in it?

10 A: Do I have a -- do I have a what, a sheet that I go by?

11 Q: Some sort of a checklist --

12 A: No, I don't.

13 Q: -- to make sure everything's in there?

14 A: No. No. Not other than just the order that it's set up  
15 which the Uniform Mine File is tabbed to, you know, that each and  
16 every document that should be in there, whether it be safeguards  
17 or --

18 Q: How would you know if a supplement to the ventilation  
19 plan was missing?

20 A: How would I know that it was missing?

21 Q: Uh-huh.

22 A: Most of the time, revisions and supplements come through  
23 and I have to sign off on them, and a copy comes to me and a copy  
24 goes to also the inspector that's at that particular mine, and  
25 then a copy of that is -- is placed into the Uniform Mine File.

1 Q: So, say ten months go by after that --

2 A: Uh-huh.

3 Q: -- and you're reviewing the Uniform Mine File, how would  
4 you know that that document that you saw ten months earlier was  
5 missing from the file?

6 A: If it was missing?

7 Q: Uh-huh. You'd just be going from memory?

8 A: Yeah. But like I said, again, the specialist would --  
9 the system that -- that we are trying to use is that the  
10 specialists will come up and whatever is obsolete, they'll --  
11 they take it out of the mine file book and everything that's in  
12 there is current. So ever so often -- what I've seen, ever so  
13 often the ventilation man or the roof control, they -- they will  
14 come up and go over the mine file books.

15 Q: So do they pull the information out or do they have the  
16 secretary do it?

17 A: No. They do it themselves.

18 Q: Do it themselves?

19 A: Uh-huh.

20 Q: And then what do they do? Who do they inform when they  
21 take that information out of the Uniform Mine File?

22 A: They -- once they -- once they go over it and go through  
23 the mine file book, and things that's updated they -- the things  
24 that are obsolete they take them out, the old. So that, you  
25 know, we know that they're doing it, we know that they're going

1 to at the time. It's not like they --

2 Q: How do you know what they took out or put in?

3 A: How do I know? I don't know what they -- what they took  
4 out or put in per se.

5 Q: Do you know of any requirements?

6 A: I know that they're required -- I know that they -- they  
7 do an update of it for us.

8 Q: What documentation is required for them when they do  
9 that?

10 A: What documentation is required for them?

11 Q: Uh-huh.

12 A: None that I know of.

13 Q: How do you know when to remove a document if you're  
14 doing the review?

15 A: I, myself, don't remove it. I haven't removed it.

16 Q: [REDACTED] I've been -- we've been told by several of the  
17 inspectors that the field office secretary adds and removes a lot  
18 of documents from the UMF. Do you know of instances where the  
19 field office secretary has any involvement in adding or removing  
20 documents from the UMF?

21 A: If -- if she adds and removes, there are -- there are  
22 things that she -- that she puts in there, as far as what's  
23 ongoing, what's current, what revisions are made. She is  
24 responsible to put those in there.

25 Q: Are you aware of everything that she puts in there and

1 takes out?

2 A: No, I'm not aware of that, what she puts in and takes  
3 out. No, I'm not aware of everything she puts in and takes out.

4 Q: Are the inspectors aware of what she puts in and takes  
5 out?

6 A: I don't think they're aware of everything that she puts  
7 in and that she takes out.

8 Q: So if there's a plan change that comes in through the  
9 middle of the quarter at some point, and you're not aware of it  
10 and the inspectors are not aware of it, then how is the inspector  
11 able to inspect adequately?

12 A: Let me say this: Any plan, revision of plan that comes  
13 in, I get a copy of it and also the inspector get a copy of it.  
14 So if there's a new plan or anything, a revision made, I get a  
15 copy, the inspector also gets a copy of it, and a copy of it is  
16 placed into the mine file by the secretary.

17 Q: Okay. So you --

18 A: And I don't think that she -- she doesn't remove  
19 anything out without -- without seeing that, you know, on her  
20 own, just take the initiative on her own just to take a plan out.  
21 No, I don't -- I'm not aware of that.

22 Q: So then the answer to the previous question is, you do  
23 know what goes in and --

24 A: Yes.

25 Q: -- out of the mine file?

1 A: Yeah. Yeah. I sign off on it and I -- yes.

2 Q: Does she only give a copy of the change to the lead AR?

3 A: To the lead AR? To the person that's at that mine, yes.  
4 Yes.

5 Q: What about another inspector who has -- helps out on the  
6 EO1 from time to time or does EO2's that's already reviewed the  
7 file that quarter, but he's not the lead AR? Would he get a copy  
8 of it?

9 A: He may -- he may get a copy and then me may not, but  
10 he's made aware of any changes that have been made.

11 Q: How is he made aware of it?

12 A: Through the inspector that has the -- that keeps the  
13 files on his inspections that he's done.

14 Q: So it is just -- is it a practice then that they always  
15 check with that inspector before they help out or how do they do  
16 that?

17 A: Yes. Yes. The best of my -- what I've seen them and  
18 communication, I think they're very good, that they do  
19 communicate very well as far as new revisions or whatever's in  
20 there, whatever changes have been made.

21 Q: Okay. Well, moving away from the UMF for a while. Tell  
22 me what is required on the first day of an EO1 inspection.

23 A: What's required?

24 Q: Yes, sir.

25 A: The inspector -- he's required to be there before --



MSHA Form 7000-10K, June 93 (revised)

## DAILY COVER SHEET

Date 3/09/10 Event No. 6286108Arrived at the Mine 0700 Departed from the Mine \_\_\_\_\_

List Records Books Checked \_\_\_\_\_

weekly; Pre 100

Accompanied By: Company Representative \_\_\_\_\_

Miners Representative \_\_\_\_\_

N/A

## AREAS OF INSPECTION ACTIVITY:

CUProclamation

Inspector's Initials \_\_\_\_\_

Supervisor's Initials and Date \_\_\_\_\_ Page No. 1

\*U.S. Government Printing Office: 1987 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 3/09/10

Assessed @ 1100 0700  
to conduct ventilation survey  
@ CU - 1st section in order  
to determine contact on some  
split is sufficient and  
also help on Est.

Reviewed weekly exam  
Results CU

TOTALS	260,768
#9	1,076
II/60	792
M/A	12,973
M/B	12,488

Review of management  
areas of inspection. Henry  
Clark and Clyde Ray are  
going to each CU unit  
and are going to CU to

Inspector's Initials \_\_\_\_\_

Supervisor's Initials and Date \_\_\_\_\_ Page No. 2

\*U.S. GPO: 2009-541-759

MSHA Form 7000-10K, June 93 (revised)

Date 3/09/10

examined ventilation  
transferred from surface at  
Honolulu Lilly AlWC and  
Subbit ALWC and  
MSHA Super. and MSHA  
mainline

Worked intake from End  
of track to backgate.  
TOOK intake air readings

@ 31 GAK

AE 7 X 21

VE 730

Q = 107,310 gpm

Transferred to L.O.B of  
CU and took a L.O.B  
reading: AE 6 X 20

VE 1095

Q = 131,400

Inspector's Initials \_\_\_\_\_

Supervisor's Initials and Date \_\_\_\_\_ Page No. 3

\*U.S. GOVERNMENT PRINTING OFFICE: 2009-540-493

MSHA-2ECAMERON-0198



MSHA Form 7000-10K, June 93 (revised)

Date 3/9/10CFM Reading C-Jack 9ve 1492

Travelled force as removal  
observation of low fuel  
shut down

CFM Reading C-Jack 160  
ve 1528

Exited low fuel in the  
fuel motor fuel creature 2 1/2  
x-cuts every fuel and  
to adjacent area over into  
parallel engine. This engine  
was not apart of approved  
plan. Air movement  
up's only face. ~~the~~ hand  
lily moved curtain

Inspector's Initials

Supervisor's Initials and Date

Page No. 4

\*U.S. GPO: 2009-541-759

MSHA Form 7000-10K, June 93 (revised)

Date 3/09/10

and did not know what  
was in place. Myself and  
~~FS~~ used chemical  
sniff to test air flow  
and it was flowing  
in the wrong direction  
from the car face to the  
mouth of the section in  
the no. 5, 6, 7 Entries.

informed Murphy that the  
air was not according to  
the approved plan and that  
the low was down and could  
not run until the ventilator  
plan could be followed. That  
a curtain would be used  
High negative pressure  
order and gravity would  
be checked when open

Inspector's Initials

Supervisor's Initials and Date

Page No. 5

\*U.S. GPO: 2009-541-759

MSHA Form 7000-10K, June 93 (revised)

Date 3/09/10

from the ventilation  
that any engine burning  
and heat over  
the problem. There were no  
regulator @ the mouth of  
the section to allow  
extra natural air up  
the tail to pressure the  
tail Entries.

It wanted to make the  
change up more air.  
However, ~~POS~~ myself  
could not allow it to be  
the amount of air would  
be moved the air would  
be greater than 900 and  
air could enter the main  
intake air by increasing

Inspector's Initials

Supervisor's Initials and Date

Page No. 6

GPO: U.S. GOVERNMENT PRINTING OFFICE: 2009-540-483



MSHA Form 7000-10K, June 93 (revised)

Date 3/9/10Complaint of air sampling  
the lockbox.

Interview Mr. Burroughs  
instructed the latter part  
of the Epi. And agreed  
that Regulation needed to  
be in place and began to  
make preparations to change  
the air.

All men were removed  
from the mine.

Discarded 104 dies and  
not began her finger of her  
which had an M and  
threw it from her house  
which she was doing  
and Regulation Appraised.

Inspector's Initials

Supervisor's Initials and Date

Page No. 7

GSA U.S. GOVERNMENT PRINTING OFFICE: 2008-540-493

MSHA Form 7000-10K, June 93 (revised)

Date 3/9/10Time 10:30Standard 75.570(a)(1)Case No. 103357

The Appraised ventilation plan  
was not being followed and  
the longwall on the tailgate  
side was Appraised plan  
was not being followed in that  
the tailgate entries were  
not flowing in the proper  
direction. The air should  
have been tracking into the  
the car place instead of  
was tracking out by mine and  
mean that the air was  
between air instead of into  
air. After tracking the  
the tailgate entries to the  
mouth of the section

Inspector's Initials

Supervisor's Initials and Date

Page No. 8

U.S. GPO: 2009-541-759

MSHA Form 7000-10K, June 93 (revised)

Date 3/9/10

The Regulator @ 2240255  
was closed to a stopping  
or personnel control. The  
Regulator was appraised  
in the plan and was not  
open. This Regulator would  
have allowed air to pass  
and flow into in the Appraised  
direction.

at Chap found in the  
Entrance.  
Also, Smoked Area was  
Chemical concentration in current  
smoke to average character of  
air.

Should Tilly. Stated that the  
air was flowing in the wrong  
direction. He instructed  
area last week 3/2/10

Inspector's Initials

Supervisor's Initials and Date

Page No. 8a

U.S. GPO: 2009-541-759



MSHA Form 7000-10K, June 93 (revised)

Date 3/9/10

and air was functioning in right direction  
 2 bin curtains had been placed in air with free to direct air off floor to adjust ambience also in that area. Checked off bin curtains.

Discussed at length fully and Wayne Parsons, U.S. they finished and agreed that air was not right and needed to make some

Change. ~~\_\_\_\_\_~~ MSHA Supervisor also was speaking area and verified in smoke that it was functioning in wrong direction Wayne Parsons asked

Inspector's Initials

Supervisor's Initials and Date 3/9/10Page No. 86

\*U.S. GPO: 2009-541-759

MSHA Form 7000-10K, June 93 (revised)

Date 3/9/10

stated they could make the change w/ new air. We and ~~\_\_\_\_\_~~ informed him that 2500 movement was to be brought to outside except those movement to make the change. He change in air check, greater than 2000 gpm - I was in the end

they began to pull new outside and assigned qualified personnel people to make change and examine area.

They will phenomena should have known that air was unsafe. Healer they ~~\_\_\_\_\_~~ @ regulator indicating change was made

Inspector's Initials

Supervisor's Initials and Date 3/9/10Page No. 87

\*U.S. GPO: 2009-541-759

MSHA Form 7000-10K, June 93 (revised)

Date 3/9/10

after several changes. 15 people affected. These people - 2 shear ops, 2 load centers, headlight ops, etc.

Also, MP B checked for fire - shift and should have realized that air was flowing in wrong direction due to check center not built.

Went/Ad - if the condition continued the air would pull from the Bob Pulling Return air they would have been the tail. Initially - at time of event 1 change

Inspector's Initials

Supervisor's Initials and Date 3/9/10Page No. 88

\*U.S. GPO: 2009-541-759



Date 3/9/10

as they are equal  
to they and terminate  
order.

I traveled to P.O. and  
 received phone call that  
 Air boss I still not returned.  
 I returned w/ ~~\_\_\_\_\_~~ <sup>vent sprayer 1st</sup>  
 and Wayne Hunsinger.

Inspector's Initials

Supervisor's Initials and Date

G-20 U.S. GOVERNMENT PRINTING OFFICE: 2009-540493

Page No. 

## DAILY COVER SHEET

MSHA Form 7000-1(b), June 93 (revised)

Day

Date 3/9/10 Event No. 6286108

Arrived at the Mine 0810 Departed from the Mine \_\_\_\_\_

1. List Records Books Checked *The Sound / Science*

Liberty

Accompanied By: Company Representative

Miners Representative

41A

## AREAS OF INSPECTION ACTIVITY:

Only boxes, Cans, etc.

Equip.

Energy Take but Evs Smor

Poland

...continued in whole ...

Supervisor's Initials and Date:

U.S. Government Printing Office: 1997 - 508-470

Part No. 1

U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 3/9/10

Answered At Loose Bus

Bureau	M. H. 2 -	Exec. Comm.
--------	-----------	-------------

Miss with Everett Moore  
and Tracy Moore

Supervisor

Vent. Dept.

1941

and CMI Transverse

Also on Mine Site

2 CHECK QUESTION on

Shelton

Review	100	100
Review	100	100

lasers	on	Assoc
--------	----	-------

03/03/50

Inspector's Initials

Supervisor's Initials and Date

1

U.S. GPO: 2009-541-750

### **Roof Control Supervisor – Pillar Stability Analysis**

**Issue:** On December 23, 2009, the District 4 District Manager approved the base roof control plan submitted by the operator in October 2009. The District Manager approved the plan without requiring the operator to submit a risk assessment specific to the particular mining operation, including the submission of data and evaluation supporting the proposal, as directed by CMS&H Memo No. HQ-08-058-A. In particular, the operator did not provide information detailing the basis on which the plan was determined to be appropriate and suitable, such as a pillar stability analysis.

Interviews with District 4 Roof Control department personnel revealed that they did not always request pillar stability analyses from mine operators. Instead, District 4 roof control specialists (Supervisor, and Roof Control Specialist) indicated in their interviews that they requested examples of pillar stability analyses from operators to demonstrate the operators' ability to use the appropriate software.

There was no pillar stability analysis submitted by Performance Coal Company with the October 2009 base plan. A note was affixed to the District 4 plan transmittal sheet by the ADM technical stating that District 4 would "still look at the [longwall] gate pillars – later." The ADM technical was the Roof Control Supervisor's supervisor.

#### **Supporting Documentation:**

- CMS&H Memo HQ-08-058-A (HQ-08-058-A.pdf)
- District 4 Plan Transmittal Sheet with ADM technical's note (Plan Transmittal with ADM technical Note.pdf)
- December 23, 2009, approved roof control plan (December 2009 Approved Roof Control Plan.pdf)
- Pages from transcripts where Roof Control Supervisor talks about pillar stability analysis and why they didn't require UBB to submit a pillar stability analysis. (Roof Control Supervisor - Requiring PSA.pdf and Roof Control Supervisor - Submit PSA.doc)
- IR team note on Roof Control Supervisor's interview transcript (Note on Roof Control Supervisor Interview Transcript.pdf)
- Pages from transcript where Roof Control Specialist talks about pillar stability analysis and why they didn't require UBB to submit a pillar stability analysis (Roof Control Specialist Requiring PSA.pdf)
- Pages from transcript where ADM technical talks about pillar stability analysis. (ADM technical PSA.pdf)

**Mitigating Factors:** During an off the record discussion with members of the IR team, the Roof Control Supervisor stated he did not receive a copy of CMS&H Memo HQ-08-

058-A. After the interview was completed, the Roof Control Supervisor showed the interviewers a binder where he kept headquarters memos; the memo was not in the binder. The memo was addressed to all District Managers and Assistant District Managers and was not issued via the established directives system

A note was affixed to the roof control plan tracking sheet by the ADM technical stating that District 4 would "still look at the [longwall] gate pillars - later."



**U.S. Department of Labor**

Mine Safety and Health Administration  
1100 Wilson Boulevard  
Arlington, Virginia 22209-3939



**JUN - 5 2008**

CMS&H Memo No. HQ-08-058-A (PRT-75)

**MEMORANDUM FOR DISTRICT MANAGERS  
ASSISTANT DISTRICT MANAGERS**

**FROM:**

*for* **KEVIN G. STRICKLIN**  
Administrator for  
Coal Mine Safety and Health

A handwritten signature in black ink, appearing to read "Kevin G. Stricklin", is written over the typed name.

**SUBJECT:**

Approval of Complex and/or Non-typical Roof Control Plans  
and Amendments

Recent evaluations of the Roof Control Plan Approval Process have produced several recommendations to improve the quality of resulting plans. The current procedures for review and approval of roof control plans rely on the specific language of 30 C.F.R. 75.222 and 75.223, which were published as final rules in January of 1988.

All new roof control plans and amendments that are complex and/or non-typical shall be evaluated to assure that plans provide for adequately designed support systems.

Roof control plans considered complex and/or non-typical meet one or more of the following criteria: 1) room and pillar retreat mining at overburden depths of 1000 feet or greater; 2) design criteria that does not meet the stability factors calculated using the Analysis of Retreat Mining Pillar Stability (ARMPS) Computer Program and recommended in Program Information Bulletin No. P08-8; 3) mines with a history of bounces or bumps, regardless of the amount of overburden cover; or 4) other criteria considered unusual by the District Manager, such as retreat mining between two gob areas, mining of high stress areas created by multiple seam interaction, or active mining above or below longwall panels or isolated remnant pillars. For complex and/or non-typical plans or amendments, the mine operator shall provide the data and engineering evaluations conducted to support their determination that systems provide safe work environments for miners.

The mine operator shall submit with any complex and/or non-typical plan proposal the following:

You can now file your MSHA forms online at [www.MSHA.gov](http://www.MSHA.gov). It's easy, it's fast, and it saves you money!

**Confidential Agency Document**  
**DLB-000605**

**MSHA-2ECAMERON-0205**

- a) A risk assessment specific to the particular mining operation that includes depth of overburden, coal strength, pillar recovery method, and development and retreat stability factors. The risk assessment will contain a statement detailing the basis on which the operator has determined that the plan is appropriate and suitable to the mining conditions.
- b) Where recommendations are made by consulting engineers, the operator shall provide the reports upon which the assertion of adequacy depends and direct the consultants to cooperate fully with the MSHA plan reviewers in verifying their conclusions.
- c) Data from currently available tools such as ARMPS, ALPS, LAMODEL, Rocscience, or other applicable software. MSHA may compare the proposed plan evaluation method against a different evaluation system developed by third parties.
- d) Where plans are based in any part on empirical information, such as those utilizing a support system or pillar sizing proven to work under similar mining conditions (e.g., similar mining depth and roof conditions), information sufficient to permit field evaluations of the installed systems and verification of the similarity in mining conditions. This information can be included with the operator's statement in "a" above that the plan is appropriate and suitable to the mining conditions.
- e) A detailed and comprehensive review of technical and engineering data submitted in support of the proposed plan, and an analysis of potential hazards and other relevant factors.

MSHA shall first establish that the submitted supporting information is adequate, given the complexity and severity of the mining environment, and request additional information if needed. The evaluation shall also include previous plan submittals and approvals, citation history, and roof fall accidents (injury and non-injury). The assistance of MSHA's Technical Support Roof Control Division shall be sought and their recommendations considered in all complex and/or non-typical plan approvals and amendments. A site visit shall also be made by District personnel where applicable.

MSHA shall not approve the proposed plan or amendment until the operator has provided the data and evaluation supporting the proposal and a confirming evaluation(s) has been completed. MSHA shall keep all plan review information as long as the plan is in effect that explains the rationale behind the approval of plan/amendment, including the completed appropriate checklist evidencing the review with signatures, dates and comments.

When and where site mine specific pillar size and pillar stress loading tools have generated reliable design parameters and minimum safety factors, those validated features may be utilized as a basis for plan approvals for mining under the same or less severe conditions.



## DISTRICT 4 PLAN TRANSMITTAL SHEET

## SECTION A: GENERAL INFORMATION

DATE RECEIVED FROM: ☐ OPERATOR ☐ MAIL ☐ OTHER 10/27/2009 RECEIVED BY: \_\_\_\_\_

MSIS Plan Tracking No. 4492

PLAN TYPE: Revised Plan Revision Update 4-RC-11-94-12307-12

COMPANY NAME: Performance Coal Company

MINE NAME: Upper Big Branch I.D. NO. 46-054 30

FIELD OFFICE: ☐ Mt. Hope ☐ Mt. Carbon ☐ Mt. Carbon ☐ Summersville ☐ Princeton ☐ Pineville ☐ Madison ☐ Logan

PLAN SUMMARY / COMMENTS: Update

## SECTION B: ON-SITE REVIEW (IF APPLICABLE)

ON-SITE REVIEW CONDUCTED: ☐ YES, ☐ NO DATE OF REVIEW: \_\_\_\_\_

METHANE LIBERATION RATE (IF APPLICABLE): \_\_\_\_\_ CFD DATE OF SAMPLE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

☐ COMMENTS RECEIVED FROM MINER'S REPRESENTATIVE? ☐ YES ☐ NO ☐ NO REPRESENTATIVE

(See reverse)

## SECTION C: PLAN COORDINATION and REVIEW

PLAN COORDINATED WITH (WHEN APPLICABLE): Please date and initial

☒ ADM FOR ENF 12/23/09 ☐ FO SUPV See below ☐ CMI ASSIGNED TO MINE \_\_\_\_\_

☐ HEALTH \_\_\_\_\_ ☐ VENT \_\_\_\_\_ ☐ ROOF \_\_\_\_\_ ☐ TRAINING \_\_\_\_\_

☐ STATE \_\_\_\_\_ ☐ TECH SUPPORT \_\_\_\_\_ ☐ OTHER \_\_\_\_\_

COMMENTS: \_\_\_\_\_

## SECTION D: DISTRICT REVIEW

DISTRICT SPECIALIST: DATE REVIEWED: 12-18-09 INITIALS: [Signature] 11-16-09

RECOMMENDATION: ☒ APPROVAL ☐ DISAPPROVAL ☐ ACKNOWLEDGEMENT ☐ WAIVER GRANTED ☐ WAIVER DENIED ☐ FWD TO TS ☐ CONCUR WITH STATE ☐ OTHER

SPECIALIST SUPERVISOR: DATE REVIEWED: 12/23/09 INITIALS: [Signature] 12/23/09

RECOMMENDATION: ☒ APPROVAL ☐ DISAPPROVAL ☐ ACKNOWLEDGEMENT ☐ WAIVER GRANTED ☐ WAIVER DENIED ☐ FWD TO TS ☐ CONCUR WITH STATE ☐ OTHER

ASSISTANT DM (TECHNICAL): DATE REVIEWED: 12/23/09 INITIALS: [Signature]

RECOMMENDATION: ☒ APPROVAL ☐ DISAPPROVAL ☐ ACKNOWLEDGEMENT ☐ WAIVER GRANTED ☐ WAIVER DENIED ☐ FWD TO TS ☐ CONCUR WITH STATE ☐ OTHER

DISTRICT MANAGER: DATE: 12/23/09 INITIALS: [Signature]

☒ APPROVED ☐ DISAPPROVED ☐ ACKNOWLEDGED ☐ WAIVER GRANTED ☐ WAIVER DENIED ☐ FWD TO TS ☐ CONCUR WITH STATE ☐ OTHER

## SECTION E: DISTRIBUTION OF APPROVED PLANS

NOTE: FIELD OFFICE - RETURN ORIGINAL TRANSMITTAL SHEET TO ENGINEERING SERVICES

TRACKING DATES (IF APPLICABLE): MSIS 1 SCANNED \_\_\_\_\_ UMF \_\_\_\_\_

(In -- out)

PROVIDED TO OPERATOR & DISTRICT FILE: DATE: \_\_\_\_\_ INITIALS: \_\_\_\_\_

## NOTIFICATION OF APPROVAL:

ASSISTANT DM (ENFORCEMENT) NOTIFIED BY - INITIALS: \_\_\_\_\_ DATE: \_\_\_\_\_ PHONE ☐ EMAIL ☐ IN PERSON ☐

FIELD OFFICE SUPERVISOR NOTIFIED BY - INITIALS: \_\_\_\_\_ DATE: \_\_\_\_\_ PHONE ☐ EMAIL ☐ IN PERSON ☐

INSPECTOR NOTIFIED BY - INITIALS: \_\_\_\_\_ DATE: \_\_\_\_\_ PHONE ☐ EMAIL ☐ IN PERSON ☐

Confidential Agency Document

DLB-000608

MSHA-2ECAMERON-0208

~~\_\_\_\_\_~~ and ~~\_\_\_\_\_~~

(Update of plan.

Also, adding block  
splitting plan.

---

Still will look at (w)  
gate pillows - later.

~~\_\_\_\_\_~~

U. S. Department of Labor

Mine Safety and Health Administration  
100 Bluestone Road  
Mount Hope, WV 25880-1000



DEC 23 2009

Mr. Berman Cornett  
Safety Director  
Performance Coal Company  
P.O. Box 69  
Naoma, WV 25140

Dear Mr. Cornett:

Subject: Update of the Roof-Control Plan, Upper Big Branch Mine- South,  
I.D. No. 46-08436, Performance Coal Company, Montcoal, Raleigh  
County, West Virginia, Permit No. 4-RC-11-94-12307-12

Your roof-control plan, received on October 27, 2009, has been reviewed and is approved. This approval is based upon a District review of the roof conditions and roof-control practices in the mine by representatives of the Mine Safety and Health Administration, and includes any changes made by you at that time.

Should you have any questions concerning your roof-control plan, please contact Don Winston at this office, (304) 877-3900, Extension 130.

Sincerely,

A handwritten signature in black ink, reading "Robert G. Hardman", is written over a horizontal line.

Robert G. Hardman  
District Manager  
Coal Mine Safety and Health, District 4

Enclosure

cc: State Inspector-at-Large, Oak Hill Division (1 encl.)  
Mount Hope Field Office (3 encl.)  
Lee Barker (1 encl.)  
Files/cls

MINE SAFETY AND HEALTH ADMINISTRATION

UPPER BIG BRANCH MINE - SOUTH

INTERNAL REVIEW

Thursday, September 16, 2010

AUDIO-TAPED

INTERVIEW

<sup>POF</sup>  
*Roof Control Specialist*  
~~XXXXXXXXXXXXXXXXXXXX~~

MSHA:

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

INTERVIEWEE:

~~XXXXXXXXXXXXXXXXXXXX~~

1 that middle entry to make sure that air would back through there.

2 Q: Uh-huh. (Yes)

3 A: So, so on a case by case basis we have, we have dealt  
4 with that.

5 Q: When we started out here at UBB, too, where they had  
6 problems with the Headgate and you required additional support in  
7 the Headgate entries, so that, that's certainly something you've  
8 done here. But the ARMPS requirement, how do you enforce that,  
9 as far as, you know, they're responsible for running this program  
10 and to assure they have stability?

11 A: Right.

12 Q: How are we enforcing that provision to know that  
13 they're doing their job on that?

14 A: Well, now - I can tell you how we do it now.

15 Q: Okay.

16 A: We require them to actually send us an example of, of  
17 how they would do it, okay? I mean, that, that, but as far as  
18 every panel, we don't. I mean, it's like anything else; they're  
19 required to follow it. It's their mine and they're required to  
20 follow it. Now, if we would find problems and we would see that  
21 they didn't require it then we'd cite them. But we don't check  
22 ever panel. I mean that, that's, that would be literally  
23 impossible.

24 Q: Sure. Sure. But if we did want to go out and check  
25 their work, are inspectors and specialists trained to the point

MINE SAFETY AND HEALTH ADMINISTRATION

UPPER BIG BRANCH MINE - SOUTH

INTERNAL REVIEW

WEDNESDAY, JUNE 15, 2011

AUDIOTAPED

INTERVIEW

OF  
Roof Control Specialist  
[REDACTED]

MSHA:

[REDACTED]

[REDACTED]

[REDACTED]

INTERVIEWEE:

[REDACTED]

1 Q: It's mandatory stuff. In your previous interview on  
2 page 40 - okay, that's your transcript there. We understood you  
3 did not require pill - pillar stability calculations to be  
4 submitted for every panel and required only a sample to be  
5 submitted to show you that the company was able to complete the  
6 calculations, is that correct?

7 A: Page number is up on the top - [crosstalk].

8 Q: Okay I saw them there but I - I think that statement  
9 [is what I see but rather than let you...] 00:27:07

10 A: Well, I mean I knew that.

11 Q: Is that what it is?

12 A: That - that sounds correct.

13 Q: Is that - Okay. That's correct. Did you ever receive  
14 a copy of Memo number HQ-08-58-A?

15 A: Now which one...

16 Q: That's one we already gave you.

17 Q: Yeah, that's the one we just gave you.

18 A: This one?

19 Q: Is that 58?

20 A: No, that's 59, this one right here.

21 Q: Yeah. Did you ever see that memo?

22 A: I honestly don't remember. If you all are willing to  
23 allow me, I keep all of like roof control memos in a - in a  
24 little [buff] folder. I would be glad to go look at them and  
25 see if I've got it, but it is not ringing a bell with me

1 although it's very - if I've read it which I'm sure I should  
2 have, it's just not ringing a bell with me.

3 Q: [REDACTED] can you - can you for the record, just say who  
4 that memo was sent to?

5 A: To district managers and assistant district managers.

6 Q: Right. So the roof control department wasn't one of  
7 the recipients of this?

8 A: Well, I - I can say if *ADM Technical* [REDACTED] got this, he  
9 would've forwarded it to me. I truly believe he would have done  
10 that. I'm not saying I haven't seen it. It's just - I'm just  
11 saying it's not ringing a bell with me. It's probable that I  
12 have but I can only say probable.

13 Q: If - well, then you wouldn't know if he didn't. If  
14 you're not sure if you saw it, you probably don't know if you  
15 forwarded that to all your specialists and inspectors that  
16 conduct the six-month reviews?

17 A: I don't remember doing it.

18 Q: Would - would you remember then on how District 4 -  
19 [that] highlighted at the bottom of the page two, how did we -  
20 Would you remember how you complied with that which states "[The  
21 body] should not approve their proposed plan or memo until the  
22 operator has provided the data and evaluation supporting the  
23 proposal and conferment - confirming evaluation has been  
24 completed"? Does that ringing any bell to you?

25 A: MSHA heads shall not approve - it don't ring a bell



1 for me. You know, usually if I get these memos, I try my best  
2 to comply with it and I'm not saying I didn't get it. It's just  
3 not ringing a bell with me because like I say, I definitely  
4 tried to follow this other one, this -50-059 and then I would  
5 follow the 30-day one.

6 Q: What we'll do for you, whenever we finish, just to be  
7 clear, we'll give you a little bit, if you have a folder where  
8 you keep these things and you indicated earlier that if it's in  
9 there, you had to review it.

MINE SAFETY AND HEALTH ADMINISTRATION  
UPPER BIG BRANCH MINE - SOUTH  
INTERNAL REVIEW

WEDNESDAY, SEPTEMBER 14, 2010

AUDIOTAPED

INTERVIEW

OF  
*Roof control Specialist*  
~~XXXXXXXXXXXXXXXXXXXX~~

MSHA:

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

INTERVIEWEE:

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

1 that -- does that compare it to what you use in your analysis?

2 A: In the analysis I use what they actually had. This  
3 analysis was run on existing conditions. It was not run on  
4 anything, you know, it wasn't run on what was projected.

5 Q: Right. So what they already had driven?

6 A: This is what they have, right, and crosscut spacing,  
7 100 feet, center-to-center distance, 80 feet. That was the --  
8 that's based off of the mine map that I had. I pulled it off the  
9 mine map.

10 Q: Okay. And this was spacing of what?

11 A: Eighty.

12 Q: Eighty?

13 A: So they've exceeded it but, you know, like I said,  
14 those minimums are not really -- that shouldn't, you know, that's  
15 not driving what the minimums are required in the plan.

16 Q: Okay.

17 A: Them abiding by that PIL is what's driving -- what they  
18 should be -- you know, that's driving their --

19 Q: Okay. Under your ARMPS program, that -- that's  
20 something you did for ventilation --

21 A: Right.

22 Q: -- but that's something that the company should have  
23 done before they even drove those panels; right?

24 A: That's required by their plan.

25 Q: Right. Do you know if they provided that information

1 to you for this panel?

2 A: We do not require them to provide that information for  
3 every panel they drive, no.

4 Q: So they may have done it, they just didn't give it to  
5 us or we don't --

6 A: We don't require it so they don't give it to us.

7 Q: So the only requirement in the plan is that they use it  
8 to --

9 A: That they abide by the -- yeah, the PIL.

10 Q: And we don't -- how would we know if they do that or  
11 not?

12 A: Well, we'd have to go check.

13 Q: Is there any way we could check and be sure that --

14 A: We could check it anytime we wanted to, I guess, you  
15 know, if we had some -- you know, if --

16 Q: For instance --

17 A: The checking would be just a matter of going out and  
18 somebody that knows how to use the program go out to the mine and  
19 check what they have.

20 Q: But as far as enforcing whether or not they ran the  
21 program prior to driving these entries, how were you going to  
22 enforce that? Do we ask them after the fact? Today, could we go  
23 out to the mine and say, can we see your ARMPS analysis for this  
24 panel?

25 A: I don't know if they keep that or not. We don't -- I



1 mean, there's nothing in the plan to require them to keep that as  
2 a record, no.

3 Q: Okay. Who would you expect to be responsible for  
4 ensuring compliance with that provision of the roof control plan?

5 A: As far as the company's concerned? Well, the operator  
6 is responsible.

7 Q: No. As far as ensuring compliance from an inspection  
8 standpoint?

9 A: From an inspection standpoint?

10 Q: From an MSHA standpoint.

11 A: Well, the CMI is -- you know, he's responsible for  
12 making the -- the inspection, so if he gets -- if he's in a  
13 situation where he's either got a question on it or if he sees  
14 some instability, then, you know, all he has to do is come back  
15 and ask for help.

16 Q: Well, he's -- he's doing the plan reviews. Is that  
17 correct? The CMI, are they doing the six-month reviews?

18 A: Well, they -- they were probably -- they sign off on  
19 that and review it every quarter I'm assuming.

20 Q: Okay.

21 A: I always did when I was a CMI.

22 Q: So --

23 A: Whether the plan was, you know --

24 Q: -- one of the things they do as a part --

25 A: -- adequate or whatever, part of your time, your

1 triple -- you know, E01, they do it.

2 Q: One of the requirements for them on a regular  
3 inspection is to assure compliance with the roof control plan.

4 A: That's true, too.

5 Q: So how would we expect that inspector to ensure that  
6 they're complying with that provision, with what it says they  
7 have to do?

8 A: Well, I'm not going to -- I don't know what -- I'm not  
9 going to sit there and guess what the capability of each  
10 inspector is but, you know, if he can -- if he can run ARMPS, he  
11 should be able to check that but, if he can't, then he should be  
12 able -- he's either going to have to ask -- if he sees a problem,  
13 he's going to have to ask for help.

14 Q: If --

15 A: I mean, I don't -- I don't see how -- where you're  
16 going with that because, if -- you know, if you're saying you  
17 want something quick and easy like minimum centers for every  
18 panel, I mean, that's not really what we're doing.

19 Q: No. It's just a provision in the plan that looks  
20 really good. To be honest with you, it requires them to do  
21 something that they need to do --

22 A: -- to do engineering, right.

23 Q: -- to do engineering. So I guess the -- you're  
24 pointing towards conditions in the mine and the provision is --  
25 seems irrelevant to that. The provision is that the need to do

1 -- do this engineering work. So I would think that the check  
2 would be to check that they have done the engineering work, so we  
3 would check the engineering work.

4 A: Well, that's what I'm --

5 Q: So who would be responsible to check the engineering  
6 work?

7 A: We don't have anybody that goes out and checks their  
8 engineering processes. We don't do that, but we do ask them to  
9 supply us with an ARMPS run on a roof control plans, you know.  
10 We ask them to provide us with an ARMPS run to make sure that  
11 operator does know how to run that.

12 Q: So we've checked that they know how to do it, but we're  
13 not checking that they do it?

14 A: That they do it? Well, you know, of course, then  
15 again, the proof's in the pudding, you know, if they start having  
16 problems.

17 Q: Yeah. Do you know if they had problems on the headgate  
18 with the pillars or was it heaving, the main problem?

19 A: From what I understand, from what I was told, that the  
20 main problem was heaving, was floor heaving, which I've already  
21 stated previously is not -- doesn't necessarily mean that the  
22 pillars are unstable.

23 Q: Nobody ever told you the pillars were crushing out?

24 A: No.

25 Q: Would the --

1       A: Now, I mean, if pillars are crushing out, you know,  
2 that's a whole different issue and I'd -- from what I -- from as  
3 far as I know, I don't know if anybody from roof control went  
4 down there to check on pillars crushing. Now, I did hear that  
5 there was a lot of floor heaving which, you know, that's --

6       Q: That's not related to this at all though.

7       A: Right. It's -- that's a whole different issue, you  
8 know. One of the -- some of the people say, well, how do you  
9 correct it? Well, one way to -- one way that's been successful  
10 is you increase pillar sizes. Well, what that does, that just  
11 distributes the load better so maybe that soft material that's in  
12 the floor doesn't get -- doesn't hoove. It doesn't mean that the  
13 previous pillar was unstable either. You know what I'm saying?  
14 Just because you increase it and the problem goes away, well,  
15 that increases that -- you know, the floor heaving problem but it  
16 doesn't necessarily mean that you're going to -- that there was  
17 an issue with the pillar stability. So floor heave is a whole  
18 separate issue. That's just like -- that's just like pillar  
19 stability also doesn't guarantee that you're going to have a good  
20 stable roof, you know. That's why we put the bolts in.

21       Q: You mentioned the inspector signs off on one of those  
22 reviews each quarter.

23       A: Normally. I always did.

24       Q: What does that review entail?

25       A: Well, it means that he's reviewed the roof control plan



1 MINE SAFETY AND HEALTH ADMINISTRATION

2 UPPER BIG BRANCH MINE - SOUTH

3 INTERNAL REVIEW

4  
5 WEDNESDAY, DECEMBER 15, 2010

6  
7 AUDIOTAPED

8 INTERVIEW

9 *AD<sup>OF</sup> Technical*

10 [REDACTED]

11  
12  
13 MSHA:

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21  
22  
23 INTERVIEWEE:

24 [REDACTED]

1 A: Yeah.

2 Q: Did you write part of them? Did you write those  
3 numbers?

4 A: *RC Supervisor* [REDACTED] wrote the top part, I wrote, "still to look  
5 at longwall eight pillars later.

6 Q: Okay. What was the intent, and then did you followup  
7 and check on what it indicated?

8 A: Ah yes. Now I'm trying to think. A question came from  
9 somewhere about the stability of the pillars at the Upper Big  
10 Branch headgate and tailgate. And I asked *Roof Control Supervisor* [REDACTED] to look at  
11 that again and he did another of the stability analysis from  
12 *Chris Martin* and well, I don't know if you guys will get into  
13 that, but excuse me, I'm trying to think of all it all went. We  
14 had ventilation in there and *Ventilation Supervisor* [REDACTED] went up in there and  
15 he saw the ribs spalling, he saw floor heave. [REDACTED], I  
16 don't know and that's where I'm losing it. I think [REDACTED] I don't  
17 know if *RC Supervisor* [REDACTED] was in there. Maybe *RC Supervisor* [REDACTED] went in. We  
18 didn't see any roof problems. The roof wasn't breaking up in  
19 there but you did have your abutment pressure coming back and  
20 getting the floor heave. So I asked *RC Supervisor* [REDACTED] to relook at those  
21 pillars. They were submitted whenever, I don't know the date,  
22 and the calculation was done and the stability factors were done.  
23 And you had numbers of 112 and 113, so you had 112 the  
24 calculation being slightly under. *Chris Martin* program with 113.  
25 But then you had to go into that program and look at the input

1 parameters in the program. That was done for shield roof. That  
2 roof in there is more solid, more strong, a more sandstone roof  
3 and when you recalculate using your sandstone roof rating factor  
4 in the ARMPS, the factor I think was 0.92, if my numbers and my  
5 brain is working right today, which meant it was stable. All  
6 that is is one calculation under ARMPS for stability. That said  
7 to me, and to ~~RC Supervisor~~, that the pillars were not failing.  
8 And that's going to be a question. That's come up, that's been  
9 questioned by people. That'll be my answer if you ask that again  
10 of me later on.

11 Q: You said that the analysis was done. Did the company do  
12 it or did we require the company to do this analysis?

13 A: We do require the company to show us that they can do  
14 the analysis. That also is something that ~~RC Supervisor~~ wants to  
15 change. He wants the worst case to be shown and we don't think,  
16 ~~Don Winston~~ and I do not think that's the way to do it. I can't  
17 take a mine that has a two thousand foot cover over here and  
18 three hundred over here and say this side of the mines got to be  
19 the worst case for this side. Those pillars are different. You  
20 design your mine for your cover, your geology, your height to  
21 crawl. That all has to be taken into account. So if we're in  
22 discussion, I'll say with ~~Don Winston~~ the district manager about  
23 how the calculations should be done. We just want to know the  
24 operator knows how to use those programs, the ALPS, ARMPS and  
25 some of the others.

1 Q: Okay.

2 A: Let me continue. When we get into the Upper Big Branch  
3 where we have the headgate and the tailgate, we really need a  
4 finite element analysis there if you want to get the final answer  
5 to it. We don't require that and we don't have operators that  
6 know how to do that now if they have to be tech support or  
7 university type thing.

8 Q: Well, we'll be asking some questions about that about  
9 here. Back to this one, you know, the notes said that you  
10 followup on gate pillars later and I think you said it was  
11 followed up on?

12 A: Yes sir.

13 Q: On that one, did the company run that or did MSHA?

14 A: *RC Specialist*  
~~Don~~ (unidentified name) ran that.

15 Q: *RC Specialist*  
~~Don~~ is a specialist?

16 A: He works for *RC Supervisor*  
~~Don~~

17 Q: Okay.

18 A: A specialist in the district office.

19 Q: Okay. Why did he run it?

20 A: Because ~~Don~~ asked him to. I don't want to be----

21 Q: Yeah, I know.

22 A: ---whatever you call that, flipped here.

23 Q: Yeah, okay. I mean, was he specialized to run it. Is he  
24 familiar with it? Is he trained to do that?

25



1 A: Both of them, all of them are. No, the engineers and  
2 *RC Supervisor* are.

3 Q: Okay.

4 A: The other two specialists are not. They're trying to  
5 learn it, but---

6 Q: Okay.

7 A: Now remember, someone asked a question of those pillars.  
8 They said they weren't stable and so on. I don't remember who it  
9 was.

10 Q: Okay. And I think you might have referred to this  
11 earlier, but what all do you know was happening as far as any  
12 pillar design problems or any ground control problems at Upper  
13 Big Branch during the time of this last longwall panel was being  
14 pulled or being mined?

15 A: As I recall, as I recall, *Ventilation Supervisor*  
16 ~~RC Supervisor~~ went in to try  
17 to go up that headgate and do the ventilation work there. He  
18 indicated that those ribs were spalling and the floor was  
19 heaving. He called that failure and I think that was taken by  
20 other people, and I can't remember who. I don't know. I don't  
21 know. It wasn't the district, so questions were made of the roof  
22 control people. It looks like those pillars were not sized  
23 properly. And that's when I asked *RC Supervisor*  
24 ~~RC Supervisor~~ to please go back  
25 and revisit that situation and it's more complicated than that  
side. And when it's done according to the way *Roof Control Supervisor*  
~~RC Supervisor~~ wanted

PP 0364  
CA 125100

2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> Reestablishment		3. Service <input type="checkbox"/> Hdqtrs. <input checked="" type="checkbox"/> Field		4. Employing Office Location Philadelphia, PA		5. Duty Station Shamokin, PA		6. OPM Certification No.	
<input checked="" type="checkbox"/> New <input type="checkbox"/> Other		7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input checked="" type="checkbox"/> Employment and Financial Interests		9. Subject to 1A Action <input type="checkbox"/> Yes <input type="checkbox"/> No		13. Competitive Level Code GS-1822-01-	
Explanation (Show any positions replaced) Vacancy - Recruit		10. Position Status <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position Ic <input checked="" type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Neither		12. Sensitivity <input checked="" type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 3-Critical Sensitive <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive		14. Agency Use A	
15. Classified/Graded by	Official Title of Position			Pay Plan	Occupational Code	Grade	Initials	Date	
a. U.S. Office of Personnel Management									
b. Department, Agency or Establishment									
c. Second Level Review									
d. First Level Review	Supervisory Coal Mine Safety & Health Inspector			GS	1822	13		12/1/02	
e. Recommended by Supervisor or Initiating Office									

16. Organizational Title of Position (if different from official title)

17. Name of Employee (if vacant, specify) \_\_\_\_\_

~~VACANCY~~ YENCHO, THOMAS

18. Department, Agency, or Establishment  
 \_\_\_\_\_

**U. S. Department of Labor**

#### a. First Subdivision

**Mine Safety & Health Administration**

### b. Second Subdivision

## Coal Mine Safety & Health

### c. Third Subdivision

## District 1

#### d. Fourth Subdivision

**Wilkes-Barre, PA District Office**

#### e. Fifth Subdivision

TID, Shamokin, PA F. O.

Dept. ID: 1855

19. Employee Review - This is an accurate description of the major duties and responsibilities of my position

Signature of Employee (optional) \_\_\_\_\_

20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the

knowledge that this informs public funds, and that falsifying implementing regulations.

**a. Typed Name and Title of Immediate Supervisor**

**William D. Sparvieri, Jr.**  
**Assistant District Manager**

b. Typed Name and Title of Higher

**Signature**

Date \_\_\_\_\_

**Signature**

21. Classification/Job Grading. Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with most applicable published standards.

## 22. Position Classification Standard

~~Typed Name and Title of Official Taking Action~~

Supervisory Duty

Information for Employees. The office. The classification of the personnel management information. The FLSA is available from the person

[illegible]

### 24. Remarks

EMPL ID: 00012914

**25. Description of Major Duties and Responsibilities (See Attached)**

NSN 7540-00-834-4285

**Previous Edition Number**

~~Confidential Agency Document~~

DLB-000629

MSHA-30 CAMERON-0001

OF 2 (Rev. 1-85)

U.S. Office of Personnel Management  
**RECEIVED**

Series  
GS-1822

Grade  
13

Supervisory Coal Mine Safety and Health Inspector

Major Duties

The incumbent is a supervisory coal mine safety and health inspector who participates with management officials of the District in their administrative management and supervision of Mine Safety and Health Administration's health and safety programs in the field.

Assigns, supervises and reviews the work of inspection, technical, and in some instances clerical personnel under his jurisdiction.

Participates with management officials in the establishment of policy: personnel management and administration; training and development of coal mine inspectors; organization and planning of work procedures and techniques, which involves work organization, staffing, program planning, fiscal operations, personnel administration, procurement and supply, property management, transportation and travel, facilitating services, and general business operations.

Responsible for the observance of all work rules and regulations, employee relations and conduct.

Responsible for assigning the mines to inspectors to equalize the work load and to ensure they are inspected the prescribed number of times as set forth in the Federal Mine Safety and Health Act of 1977.

On a regular basis, accompanies inspectors, engineers, and other employees, during their regular or special assignments in coal mines and related plants to assure the utmost work efficiency and quality; and makes personal examinations of underground and surface coal mining operations to keep fully informed on the latest technical developments in mining and equipment.

Directs, coordinates and/or assists in on-site rescue and recovery operations following mine explosions, fires, and other mine disasters.

As requested, represents the management officials in Departmental, Mine Safety and Health, Coal Mine Safety and Health, or other Government agency meetings and symposiums on matters concerning the enforcement of coal mine safety and health regulations.

Supervises three to ten inspectors at the GS-12 level and is responsible for quantity and quality of work produced by subordinates, overall review of work to assure policies are followed, planning work, setting priorities and schedules, evaluating performance, counseling subordinates on both technical and administrative procedures, makes recommendations for promotions and reassignments, answers employee grievances according to procedures outlined in the negotiated agreement with AFGE, identifies developmental and training needs of subordinates, initiates disciplinary actions such as warnings and reprimands.

EEO: As a supervisor, incumbent is responsible for ensuring equal opportunity for all employees under his supervision in the selection of employees for training, promotion, awards and recognition, and other career development opportunities. The incumbent also ensures fair and unprejudiced employment practices in the recruitment and selection of candidates for appointments to positions under his supervision. The incumbent is responsible for supporting programs relating to the training and the advancement of employees in "dead-end" positions. Incumbent is responsible for actively supporting the Equal Opportunity Program in day-to-day activities and is evaluated on his performance in this area on a regular basis.

LMR: Regardless of the status of local employee organizations, each supervisor is responsible for being knowledgeable about management's role and responsibilities in labor management relations. Where a local agreement is in effect, supervisors are responsible for becoming completely familiar with the terms of the Agreement.

Safety: As a supervisor, incumbent is responsible for the on-the-job safety and health of all employees under his/her jurisdiction. Initiates efforts conforming to established local and MSHA Safety Programs to satisfy this responsibility. Responsibilities include identifying and correcting job safety and health hazards, instructing employees on safety requirements for job assignments, reviewing and reporting loss incidents, in accordance with MSHA and Office of Employees' Compensation regulations, initiating corrective measures for violations of the Occupational Safety and Health Act standards, and directing the periodic inspection of all workplaces.

#### 1. Knowledge Required by the Position

Requires a demonstrated expertise in the enforcement activities required under the Federal Mine Safety and Health Act of 1977, P. L. 95-164, and an extensive knowledge of coal mining.

Must possess managerial and supervisory knowledge in order to effectively manage a complex office and motivate individuals to effectively and equitably enforce coal mine safety and health regulations.

#### 2. Supervisory Controls

Performs under the direction of the Assistant District/Sub-district Manager, operating within the framework of prescribed Agency and Departmental policies and guidelines. Exercises independence in planning, scheduling field office operations, as well as carrying out day-to-day responsibilities. Results of the work of this position are reviewed for adherence to agency policies, and for assurance that program objectives are fulfilled.



### 3. Guidelines

Incumbent is guided by Federal, Departmental, Mine Safety and Health Administration, and Coal Mine Safety and Health policies, guidelines, procedures and regulations, and technical guidelines such as National Electrical Code, IEEE Standards, and National Fire Codes.

### 4. Complexity

The incumbent manages a complex network of activities ranging from very little variation from enforcement procedures to the origination and establishment of new procedures, techniques and standards development. A tremendous amount of pressure exists, especially during mine disasters; and the incumbent must use sound judgment in making immediate decisions which may effect the life and limb of mining personnel and inspectors.

### 5. Scope and Effect

The responsibilities of this position encompass the enforcement of all coal mine safety and health standards and regulations in a uniform and equitable manner, contributing to the overall effectiveness and enhancing the mission of the Mine Safety and Health Administration.

The Coal Mine Safety and Health district offices are charged with enforcing safety and health regulations and providing technical enforcement assistance to mine operators. The enforcement responsibilities and the sanctions imposed by the incumbent are of economic, social, and frequently political nature, and the incumbent must effectively deal with grieved parties while protecting and promoting, as his paramount responsibility, the health, safety and welfare of the thousands of workers employed in the industry. According to the National Safety Council, underground coal mining is the most dangerous major occupation in America on the basis of accidental death and serious injury. There is intense interest in mineral industry health and safety from the White House, the Congress, the Department of Labor, the mineral and allied industries, and the public. Consequently, the results of coal mine safety work in this and other similar positions have an effect on the work programs of the Agency, the Department, and the Federal Government, and must meet the rigid requirements and high standards of a wide range of interests and a very wide sector of the public.

### 6. Personal Contacts

Personal contacts are typically with mine owners, management, operating officials, safety engineers, attorneys, miners, labor union officials, and State mine inspectors, as well as with inspectors, engineers, and specialists within the Agency.

7. Purpose of Contacts


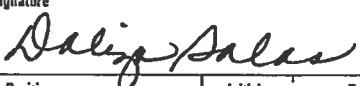
These contacts are either for supervisory and coordinating purposes or for accomplishing health and safety improvements in coal mines through health and safety inspection and investigative work, advising on special problems, assisting in health and safety promotion, conducting health and safety training, safety association work, etc. Requires keen judgment and diplomacy, oftentimes dealing with industry officials, union representatives, and attorneys on sensitive and controversial matters.

8. Physical Demands

Frequent travel to mine sites is necessary, requiring that the incumbent be physically capable of performing arduous duties of this position without hazard to themselves or fellow employees, and be capable of sustained physical exertion for six to eight hours under hazardous conditions. Equipment may be carried weighing up to 40 pounds on normal work periods and up to 80 pounds at two-hour intervals during mine rescue and recovery operations.

9. Work Environment

Frequent trips to mining operations are necessary. Work underground may be in close confinement, in and out of small spaces, where dampness and low water areas are expected. Crawling on hands and knees is common practice. Climbing ladders without convenient rest stations is a possibility. On occasion may operate with little light, and be frequently exposed to dusts, gases and fumes.

POSITION DESCRIPTION (Please Read Instructions on 1 -k)								1. Agency Position No. ES0125	
2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> Reestablishment <input type="checkbox"/> New <input type="checkbox"/> Other		3. Service <input checked="" type="checkbox"/> Hdqtrs. <input type="checkbox"/> Field		4. Employing Office Location Arlington, VA		5. Duty Station Arlington, VA		6. OPM Certification No.	
Explanation (Show any positions replaced) Recertification. There have been no significant changes to the position since last certified in 2002.		7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input checked="" type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interests		9. Subject to 1A Action <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
		10. Position Status <input type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input checked="" type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position Is: <input type="checkbox"/> Supervisory <input checked="" type="checkbox"/> Managerial <input type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1-Non-Sensitive <input checked="" type="checkbox"/> 3-Critical Sensitive <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive		13. Competitive Level Code	
15. Classified/Graded by		Official Title of Position				Pay Plan	Occupational Code	Grade	14. Agency Use 8888
a. U.S. Office of Personnel Management		ADMINISTRATOR FOR COAL MINE SAFETY AND HEALTH				ES	1822	SES	10/4/06
b. Department, Agency or Establishment									
c. Second Level Review									
d. First Level Review									
e. Recommended by Supervisor or Initiating Office									
16. Organizational Title of Position (if different from official title)						17. Name of Employee (if vacant, specify)			
18. Department, Agency, or Establishment US DEPARTMENT OF LABOR						c. Third Subdivision			
a. First Subdivision MINE SAFETY AND HEALTH ADMINISTRATION						d. Fourth Subdivision			
b. Second Subdivision COAL MINE SAFETY AND HEALTH						e. Fifth Subdivision			
19. Employee Review - This is an accurate description of the major duties and responsibilities of my position						Signature of Employee (optional)			
20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statement may constitute violations of such statutes or their implementing regulations.									
a. Typed Name and Title of Immediate Supervisor David G. Dye, Acting Asst Sec for Mine Safety & Health						b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)			
Signature 						Date 9/26/06		Signature Date	
21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with most applicable published standards						22. Position Classification Standards Used in Classifying/Grading Position			
a. Typed Name and Title of Official Taking Action Daliza Salas, Director of Human Resources						Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.			
Signature 						Date 10-4-06			
23. Position		Initials		Date		Initials		Date	
a. Employee (optional)									
b. Supervisor									
c. Classifier									
24. Remarks									
25. Description of Major Duties and Responsibilities (See Attached)									

E50125 DMH

## POSITION DESCRIPTION (Please Read Instructions on the Back)

<b>2. Reason for Submission</b> <input type="checkbox"/> Redescription <input type="checkbox"/> Reestablishment <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Other Explanation (Show any positions replaced)				<b>3. Service</b> <input checked="" type="checkbox"/> Dept'l <input type="checkbox"/> Field		<b>4. Employing Office Location</b> Arlington, VA.		<b>5. Duty Station</b> Arlington, VA		<b>1. Agency Position No.</b> DIES-0125	
<b>Recertification.</b> There have been no significant changes to position since last certified, August 27, 1986				<b>7. Fair Labor Standards Act</b> <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		<b>8. Employment/Financial Stmt Required</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<b>9. Subject to IA Action</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>6. CSC Certification No.</b>	
<b>10. Position Status</b> <input type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify) SES GENERAL				<b>11. Position is</b> <input checked="" type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Neither		<b>12. Sensitivity</b> <input checked="" type="checkbox"/> Critical <input type="checkbox"/> Noncritical <input type="checkbox"/> Nonsensitive		<b>13. Competitive Level Code</b> N/A		<b>14. Agency Use</b> 8888	

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. Civil Service Commission						
b. Department, Agency, or Establishment	ADMINISTRATOR FOR COAL MINE SAFETY AND HEALTH	ES	0880 1822	SES	ADL	3/13/91
c. Bureau						
d. Field Office						
e. Recommended by Supervisor or Initiating Office						

<b>16. Organizational Title of Position (if different from official title)</b>		<b>17. Name of Employee (if vacancy, specify)</b>	
<b>18. Department, Agency, or Establishment</b> U.S. Department of Labor a. First Subdivision Mine Safety and Health Administration b. Second Subdivision Coal Mine Safety and Health		c. Third Subdivision d. Fourth Subdivision e. Fifth Subdivision W020000000	

**19. Employee Review.** This is an accurate description of the major duties and responsibilities of my position.

**20. Supervisory Certification.** I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor William J. Tattersall Assistant Secretary for Mine Safety & Health Signature: <i>William J. Tattersall</i> Date: 3/5/91	b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)
--	--

**21. Classification/Job Grading Certification.** I certify that this position has been classified/graded as required by Title 5, U. S. Code, in conformance with standards published by the Civil Service Commission or, if no published standards apply directly, consistently with the most applicable published standards.

**22. Standards Used in Classifying/Grading Position**

Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the Civil Service Commission. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the Commission.

Typed Name and Title of Official Taking Action Larry K. Goodwin Director of Personnel Management Signature: <i>Larry K. Goodwin</i> Date: 3-16-91		Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the Civil Service Commission. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the Commission.	
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23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)								
b. Supervisor	DO	9/21/06						
c. Classifier								

**24. Remarks**

OFF COPY

25. Description of Major Duties and Responsibilities (see attached)

5008-105

GPO : 1977 O - 241-330 (3051)

Optional Form 8 (Revised 8-77)  
U.S. Civil Service Commission, FPM Chap. 295Confidential Agency Document  
DLB-000635

MSHA-3ECAMERON-0007

## **ADMINISTRATOR FOR COAL MINE SAFETY AND HEALTH**

### **INTRODUCTION**

The position of Administrator for Coal Mine Safety and Health is located in the Mine Safety and Health Administration (MSHA), Department of Labor, established under the Federal Mine Safety and Health Act of 1977. The incumbent exercises management control and direction of all programs authorized by the Federal Mine Safety and Health Act of 1977, P. L. 95-164, to ensure the safety and health of the nation's coal miners.

MSHA program activities function under a vertical and direct line of control; that is, Administrators and Directors exercise, for their respective program areas, staff and line responsibilities for National Office and Field activities. The Administrator for Coal Mine Safety and Health is responsible for 64 National Office employees and 1,411 field employees, for a total of 1,475 employees in a variety of professional, technical, and clerical support occupations.

Field operations are carried out by ten District Offices, 17 Subdistrict Offices, and 62 Field Offices. Budget estimates for FY 1991 are approximately \$76,434,000.

Coal mining operations are conducted in 26 states. Safety and health violations and inspection procedures may vary significantly from mine to mine, State to State, and region to region, influenced by a variety of factors indigenous to a mine's geographic location, such as geological and physical features of a mine, the size and diversity of experienced miner populations, and the state of the economy. These differences result in a variety of "cause and effect" violations and in an infinite variety of enforcement problems with a corresponding impact on the scope and complexity of responsibility in administering the coal mine safety and health program.

### **DUTIES AND RESPONSIBILITIES**

Serves as the principal advisor to the Assistant Secretary on matters and policies pertaining to the inspection of the Nation's coal mines, mine conditions and practices, and accident and injury prevention.

Provides managerial direction and leadership in the administration of nationwide coal mine safety and health inspection and assistance programs through a system of District, Subdistrict, and Field Offices located in coal-producing states.



Formulates and coordinates basic policies, programs, and regulations concerning safety and health in the coal mining industry.

Coordinates the development of new or revised mine safety and health standards for application to coal mines, and criteria and methods for ensuring compliance with coal mine safety and health standards.

Ensures that a minimum of four mandatory inspections are conducted annually at all underground mines and two inspections are conducted annually at all surface mines, as required by P. L. 95-164, and that hazardous mines are inspected at frequencies stipulated in the law. There are 1,969 underground mines and 2,676 surface coal mines, which, under the provisions of the Act, require a total of approximately 18,213 inspections per year. The total number of inspections, including intensive inspections, spot inspections, and other investigations amount to over 57,000 events annually.

Exercises decision-making authority within the parameters of Department of Labor and MSHA policy, program objectives, and delegations. Initiates or approves/disapproves recommendations for new or revised policy directives, inspection and enforcement guidelines, and all related matters involving the internal programs and operations where unprecedented policy considerations or political implications are not involved.

Participates and collaborates in the planning and coordination of long-range programs with other MSHA Directors and Administrators and the Associate Solicitor of Labor for Mine Safety and Health. Provides programming input and advice in terms of coal mining expertise, interprets implications of inspection findings and enforcement actions, and makes recommendations as appropriate.

Maintains extensive liaison with key officials in the Bureau of Mines, State and local governments, mine industries, professional associations, energy, ecology, conservation and other consumer-oriented groups, national and international safety and health organizations, and unions for exchange of information, and to promote compliance with legal and regulator safety and health coal mining requirements. As designated, serves as a member of inter-agency and ad hoc committees.

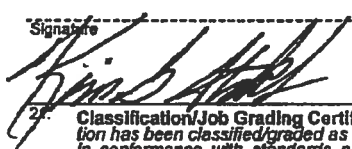
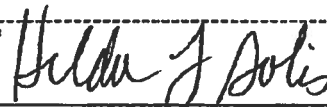

Performs the full range of managerial responsibilities.

#### **SUPERVISORY CONTROLS**

Work is performed under the direction of the Assistant Secretary, MSHA, who advises on policy and program objectives and who defines areas for which decision-making authority is delegated.

#### **OTHER SIGNIFICANT FACTS**

The position requires the ability to exercise managerial responsibilities over a nationwide multi-dimensional mine safety and health program. This requires a professional knowledge of mining engineering with emphasis on mine safety and health; OR a professional knowledge of coal mining gained through extensive practical experience or education or the equivalent; a knowledge of safety engineering, safety management and/or industrial health; and a knowledge of the Federal Mine Safety and Health Act of 1977 with applicable implementing regulations.

POSITION DESCRIPTION (Please Read Instructions on the Back)							1. Agency Position No. DLES0504	
2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> New <input checked="" type="checkbox"/> Hdqrs <input type="checkbox"/> Field <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other Explanation (Show any positions replaced)		3. Service <input checked="" type="checkbox"/> Hdqrs <input type="checkbox"/> Field		4. Employing Office Location Arlington, VA		5. Duty Station Arlington, VA		6. OPM Certification No.
		7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input checked="" type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interest		9. Subject to IA Action <input type="checkbox"/> Yes <input type="checkbox"/> No		13. Competitive Level Code
		10. Position Status <input type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input checked="" type="checkbox"/> SES (Gen.) SES (GR)		11. Position Is <input type="checkbox"/> Supervisory <input checked="" type="checkbox"/> Managerial <input type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1-Non-Sensitive <input checked="" type="checkbox"/> 3-Critical <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive		14. Agency Use
15. Classified/Graded by		Official Title of Position		Pay Plan	Occupational Code	Grade	Initials	Date
a. Office of Personnel Management		Deputy Administrator for Coal Mine Safety & Health		ES	0340			
b. Department, Agency or Establishment								
c. Second Level Review								
d. First Level Review								
e. Recommended by Supervisor or Initiating Office								
16. Organizational Title of Position (if different from official title)				17. Name of Employee (if vacant, specify)				
18. Department, Agency, or Establishment Mine Safety and Health Administration				c. Third Subdivision				
a. First Subdivision Coal Mine Safety and Health				d. Fourth Subdivision				
b. Second Subdivision				e. Fifth Subdivision				
19. Employee Review-This is an accurate description of the major duties and responsibilities of my position.				Signature of Employee (optional)				
20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that				this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.				
a. Typed Name and Title of Immediate Supervisor Kevin G. Stricklin, Administrator for CMS&H				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional) Hilda L. Solis, Secretary of Labor				
Signature 				Date 07/26/2010		Signature 		Date 8-2-10
21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.				22. Position Classification Standards Used in Classifying/Grading Position				
Typed Name and Title of Official Taking Action Suzy M. Barker, Director, Human Resources				Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.				
Signature 				Date 8/4/2010				
23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)								
b. Supervisor								
c. Classifier								
24. Remarks								
25. Description of Major Duties and Responsibilities (See Attached)								

NSN 7540-00-634-4265

Previous Edition Usable

5008-106

OF 8 (Rev. 1-85)  
U.S. Office of Personnel Management  
FPM Chapter 235Confidential Agency Document  
DLB-000639

MSHA-3ECAMERON-0011

## **DEPUTY ADMINISTRATOR FOR COAL MINE SAFETY AND HEALTH**

### **Introduction**

The position of Deputy Administrator for Coal Mine Safety and Health is located in Coal Mine Safety and Health, Mine Safety and Health Administration (MSHA), Department of Labor (DOL). The incumbent participates with the Administrator for Coal Mine Safety and Health in providing leadership and direction in the planning, development, execution and administration of policies and programs designed to prevent injury, disease, and death from mining in the coal mining industry.

The Mine Safety and Health Administration (MSHA) administers Federal mine safety and health laws by reducing hazardous exposures through enforcing compliance with mandatory safety and health standards; promoting effective training; encouraging adoption of new technologies and improved work practices; and, through its leadership, engaging with stakeholders in order to promote improved safety and health conditions. To carry out this responsibility, MSHA is organized into eight major activities: Coal Mine Safety and Health; Metal and Nonmetal Mine Safety and Health; Educational Policy and Development; Technical Support; Assessments; Standards, Regulations, and Variances; Program Evaluation and Information Resources; and Administration and Management. Approximately 2400 employees comprise MSHA's permanent staff, the majority of which are professional engineers, scientists, mine inspectors and related technical staff.

All MSHA program activities function under a vertical and direct line of control; that is, executive managers exercise, for their respective program areas, staff and line responsibilities for national office and field employees. This position has full line management authority over 11 District Managers and all National Office Coal components (which include the Management Office; Accident Investigation/Accident Prevention; and the Divisions of Safety and Health.) Coal Mine Safety and Health consists of National Office and field employees engaged in a variety of managerial, professional, technical, and administrative support occupations.

The National Office is the principal advisory and policy guidance and development resource for the Assistant Secretary on matters and policies pertaining to: the administration of nationwide coal mine safety and health inspection and assistance programs; analysis of coal mine safety and health conditions and practices; accident and injury prevention; formulation of regulations concerning safety and health in the coal industry; development of criteria and methods for ensuring regulatory compliance; and analysis of records, statistics, and reports to determine conditions and events that demand immediate attention.

Field operations are carried out by 11 district offices and 44 field offices/duty stations. Coal mining operations are located in 26 states, in which a minimum of four regular inspections are required per year for each underground mine and two regular inspections are required per year for each surface mine. Violations and inspection and investigation procedures may vary significantly from mine to mine, state to state, region to region, influenced by a variety of factors indigenous to a mine's geographic location, such as geological and physical features of a mine, the size and diversity of experienced miner populations, and the state of the economy. These differences result in a variety of "cause and effect" violations and in an infinite variety of enforcement problems with a corresponding impact on the scope and complexity of administering coal mine safety and health enforcement, and technical compliance and investigation programs.

### **Duties and Responsibilities**

Exercises program responsibility for the planning, coordination and direction of all coal mine safety and health activities. The Deputy Administrator:

- provides high-level managerial direction and leadership in the administration of nationwide coal mine safety and health inspection, investigation and assistance programs through a system of district and field offices.
- oversees nationwide safety and health enforcement programs in the coal mining industry. Formulates policies and procedures to ensure proper and consistent nationwide policy implementation. Ensures that new or revised mine safety and health standards for coal mine operations, and criteria and methods for ensuring compliance with coal mine safety and health standards are properly and uniformly applied by all districts and field offices. Evaluates the results of policy implementation in the field to ensure that desired objectives are achieved.
- ensures that mandatory inspections and investigations are conducted annually at all underground and surface mines, as mandated by the Federal Mine Safety and Health Act of 1977 and that hazardous mines are inspected at frequencies stipulated in the law. There are approximately 550 underground and 1,400 surface coal mines, which, under the provisions of the Mine Act, require over 5,200 inspections every year. The total number of mandated inspections and other related inspections and investigations amount to more than 18,000 events annually.
- exercises decision-making authority within the parameters of DOL and MSHA policy, program objectives, and delegations. Initiates or approves/disapproves recommendations for new or revised field directives, inspection and enforcement procedures, policies, or guidelines.

Through Headquarters supervisors and two supervisory echelons (district and field office) in the field, the Deputy Administrator directs the activities of Headquarters, District and field office employees who:



- develop and recommend safety and health criteria, standards and procedures to be used in inspection and enforcement activities;
- formulate and develop inspection and enforcement programs, policy guidelines, and procedures for monitoring and evaluating safety and health mine performance and for preparing analytical and quantitative mine performance evaluation reports;
- develop criteria, minimum standards, and policies and procedures to be implemented by mine operators in establishing training programs for new miners, newly hired experienced miners, miners not task trained, and annual refresher training for all miners;
- conduct annually, as required by law, the minimum number of mandatory inspections in all coal mines and inspect the more hazardous mines with increased frequencies as stipulated by law.

Within the parameters of DOL/MSHA policy and program objectives, the Deputy Administrator exercises developmental and decision-making authority for new or revised policy or procedure directives, inspection and enforcement guidelines, and all matters involving internal program plans and operations that may involve precedent setting policy or political implications.

Maintains extensive liaison with DOL and MSHA top staff, as well as with key officials in the Bureau of Land Management, Occupational Safety and Health Administration, National Institute for Occupational Safety and Health, the Bureau of Alcohol, Tobacco and Firearms, State and local governments, mine industry and professional contacts and associations, energy, ecology, conservation and other consumer-oriented groups, national and international safety and health organizations, and unions to exchange information and promote compliance with legal and regulatory coal mining requirements. As designated, serves as a member of inter-agency and ad hoc committees. Serves as the highest-level advisor to the Administrator for Coal Mine Safety and Health in the planning and coordination of long-range programs with other key MSHA officials and the Associate Solicitor for Mine and Safety and Health, and when necessary, key officials in DOL, Departments of Health and Human Services, Interior, and Energy. Provides program input and advice in terms of coal mining expertise, and interprets implications of inspection findings and enforcement actions, and makes recommendations as appropriate.

Conducts conferences and meetings with Headquarters and field subordinate supervisors and staff members with expertise in specific subject-matter area or on other related matters for exchange of information, ideas and recommendations regarding mine performance evaluations and over-all evaluation of the effectiveness of the coal mine safety and health program. Approves, disapproves, or takes under advisement action recommendations and, as appropriate, utilizes input from staff for use at higher level program and policy planning meetings.

Performs the full range of managerial responsibilities.

### **Supervisory Controls**

Work is performed under the direction of the Administrator for Coal Mine Safety and Health, who advises on policy and program objectives and who defines areas for which decision-making authority is delegated.

### **Other Significant Facts**

Must have expert ability in exercising managerial responsibilities in as much as managerial skills are paramount to effective program planning coordination and direction. Because of intense Congressional interest regarding coal mine safety and health issues, the incumbent must apply intimate knowledge of DOL policies and in depth understanding and insights to objectives of MSHA to ensure that all Congressional correspondence and inquiries are responded to fully and expeditiously.

The Deputy Administrator will, therefore, have to exercise considerable ingenuity through planning and employing administrative and management devices to maximize manpower utilization, to maximize the dollar value of expenditures, motivate staff to increase efficiency and effectiveness in program accomplishments, and in promoting cooperation of State and local governments to legislate and establish their own mine safety and health programs to implement the overall safety and health criteria and program objectives. Must have exceptional skill in "meet and deal" relationships with officials at the highest levels and all levels of government. Additionally, must apply intimate knowledge of DOL policies and policy objectives, keen understanding and insights to objectives of the coal mine safety and health program, and its significance to energy requirements and to the nation's economy.

### **EEO**

Incumbent is responsible for insuring equal opportunities for all employees under his/her supervision in the selection of employees for training, promotions, awards and recognition, and other career development opportunities. The manager will also ensure fair and unprejudiced employment practices in the recruitment and selection of candidates for appointments to positions under his/her supervision. Incumbent supports programs relating to the training and the advancement of employees. He/She is responsible for actively supporting the Equal Opportunity Program in day-to-day activities and will be evaluated on his/her performance in this area on a regular basis.

### **Safety**

Incumbent is responsible for the on-the-job safety and health of all employees under his/her jurisdiction. Incumbent initiates efforts conforming to established local and MSHA safety and health programs to satisfy this responsibility. Responsibilities include identifying and correcting job safety and health hazards, instructing employees on safety requirements for job assignments, reviewing and reporting loss incidents in accordance with regulations, initiating corrective measures for violations of the Occupational Safety and Health Act standards, and directing the periodic inspection of all workplaces.

#### **LMR**

Incumbent is responsible for being knowledgeable about management's role and responsibilities in labor management relations, especially pertaining to DOL employee organizations. Where a local agreement is in effect, incumbent is responsible for becoming completely familiar with the terms of the Agreement.

#### **Work Environment**

The work is primarily performed in an office setting; however, incumbent will be required to travel to field offices and mine sites. Mine sites can be dark, wet, cramped, and expose the incumbent to gases, fumes, gas explosions, fires, excessive noise and dust, and roof falls.

#### **Physical Demands**

During mine visits, the incumbent may be required to carry heavy equipment. In addition, walking or climbing over rough and uneven surfaces, crouching, stooping, and similar activities may be required. Incumbent must be physically able to perform arduous duties efficiently and without hazard to themselves or others. Position requires pre- and post-employment drug testing and medical examinations. Medical examination is required for all applicants for positions that involve regular or intermittent performance of inspection, investigation, rescue duties, or duties involving on-site mine visits.

**POSITION DESCRIPTION** (Please Read Instructions on the Back)

P00327

1. Agency Position No.

1242

2. Reason for Submission

☐ Redescription ☐ New  
☐ Reestablishment ☐ Other

Explanation (Show any positions replaced)

REASSIGNMENT

3. Service

☐ Hdqtrs. ☒ Field

4. Employing Office Location

Philadelphia, PA

5. Duty Station

Norton, VA

6. OPM Certification No.

7. Fair Labor Standards Act

☒ Exempt ☐ Nonexempt

8. Financial Statements Required

☐ Executive Personnel Financial Disclosure ☐ Employment and Financial Interests

9. Subject to IA Action

☐ Yes ☐ No

10. Position Status

☒ Competitive  
☐ Excepted (Specify in Remarks)  
☐ SES (Gen.) ☐ SES (CR)

11. Position Is:

☒ Supervisory  
☐ Managerial  
☐ Neither

12. Sensitivity

☒ 1-High Sensitive ☐ 3-Critical Sensitive  
☐ 2-Moderate Sensitive ☐ 4-Special Sensitive

13. Competitive Level Code

GS-1822-13

14. Agency Use

A

15. Classified/Graded by

Official Title of Position

Pay Plan

Occupational Code

Grade

Initials

Date

a. U.S. Office of Personnel Management

b. Department, Agency or Establishment

c. Second Level Review

d. First Level Review

SUPERVISORY

e. Recommended by Supervisor or Initiating Office

Supervisory MS &amp; H Specialist

17. Name of Employee (if vacant, specify)

HARDING, BENJAMIN S.

18. Department, Agency, or Establishment

U. S. Department of Labor

c. Third Subdivision

Norton, VA District Office District 5

a. First Subdivision

Mine Safety and Health Administration

d. Fourth Subdivision

Special Investigations Branch - 1930

b. Second Subdivision

Coal Mine Safety and Health

e. Fifth Subdivision

Norton, Virginia

19. Employee Review—This is an accurate description of the major duties and responsibilities of my position.

Signature of Employee (optional)

20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the

knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor:

Edward R. Morgan  
District Manager

b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)

Signature

Date

Edward R. Morgan

5-17-04

Signature

Date

21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

22. Position Classification Standards Used in Classifying/Grading Position

Typed Name and Title of Official Taking Action

PAT FUSKA, H. L. Sfor

Signature

Date

PAT FUSKA

5/24/04

Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.

23. Position Review

Initials

Date

Initials

Date

Initials

Date

Initials

Date

Initials

Date

a. Employee (optional)

b. Supervisor

c. Classifier

24. Remarks

25. Description of Major Duties and Responsibilities (See Attached)

NSN 7540-00-634-265

Previous Edition Usable

5008-105

OF 8 (Rev. 1-85)  
U.S. Office of Personnel Management  
FPM Chapter 295

Confidential Agency Document

DLB-000645

MSHA-3ECAMERON-0017



Mine Safety and Health Administration  
Coal Mine Safety and Health

Supervisory Mine Safety and Health Specialist  
GM-1822-13 (Special Investigations)

MAJOR DUTIES

The incumbent is responsible for managing and directing the district's investigation function through a staff of special investigators, complaint processors, accident investigators, and clerical support positions. The work includes programs and activities involved with the enforcement of Sections 101(a), 103, 105(c), and 110 of the Federal Coal Mine Safety and Health Act of 1977, investigating and recommending appropriate action to be taken on discrimination complaints and possible civil and/or criminal violations, and coordinating implementation of policy changes mandated by the Federal Mine Health and Safety Review Commission is maintained between the district office and headquarters and other Coal Mine Safety and Health (CMS&H) and Mine Safety and Health Administration (MSHA) organizations.

Implements and recommends policies and procedures designed to carry out a program of accident investigation, and special investigation for the district office. Manages the planning and implementation, direction, coordination and evaluation of these investigation activities in the district. The incumbent is authorized by and responsible to the District Manager, to take charge and give instructions, guidance, and orders that are appropriate for the particular situation. Maintains close liaison with the headquarters staff in the Office of Investigations. Cooperates with other MSHA organizations engaged in the investigations area, i.e., Office of Assessments and Regional Solicitor's office.

Represents and speaks for the District Manager in contacts with the Office of Investigations, and officials of the Department of Justice, Department of Labor, Office of the Solicitor, State Governments, the mining industry and labor unions concerning CMS&H policies and procedures and the resolution of any conflicts which arise in their application and interpretation. On occasion may act as the District Manager in his absence.

Responsible for developing and coordinating the district's technical position responses to congressional inquiries and in dealings with the Regional Solicitor, and the Department of Justice regarding controversial actions involving potential civil and/or criminal litigations.

Provides advisory and monitoring services to the Assistant District Manager and/or District Manager when preliminary or permanent injunctive orders are requested.



Directs a staff of professional and support personnel. Has normally accepted supervisory responsibilities in the areas of staff selection; assignment and review of work; performance evaluation; and promotion, reassignment, discipline and training of staff members and is consulted by the supervisor of those indirectly supervised in these areas. Incumbent directly supervises each employee in all activities when they are assigned to special and accident investigation projects which cover periods ranging from 2 to 45 days. In addition, coordinates with other organizations within MSHA and CMS&H regarding changes in operations which might impact upon those organizations and advises the District Manager on problems of interaction between the office and other MSHA offices, such as the Office of Assessments and Metal and Nonmetal Mine Safety and Health.

Responsible for workload distribution and work assignments under his jurisdiction and review of investigative case files. Gives advise, counsel and assistance to subordinates on investigative procedures and techniques used for civil or criminal cases.

#### EEO

As a supervisor, incumbent is responsible for insuring equal opportunity for all employees under his supervision in the selection of employees for training, promotion, awards, and recognition, and other career development opportunities. The incumbent also insures fair and unprejudiced employment practices in the recruitment and selection of candidates for appointments to positions under his supervision. The incumbent is responsible for supporting programs relating to the training and the advancement of employees in "dead-end" positions. The incumbent is responsible for actively supporting the Equal Opportunity Program in day-to-day activities and is evaluated on his performance in this area on a regular basis.

#### LMR

Regardless of the status of local employee organizations, supervisor is responsible for being knowledgeable about management's role and responsibilities in labor management relations. Where a local agreement is in effect, is responsible for becoming completely familiar with the terms of the agreement.

#### SAFETY

As a supervisor, incumbent is responsible for the on-the-job safety and health of all employees under his jurisdiction. Initiates efforts conforming to established local and MSHA Safety Programs to satisfy this responsibility. Responsibilities include identifying and correcting job safety and health hazards; instructing employees on safety requirements for job assignments; reviewing and reporting loss incidents, in accordance

with MSHA and Office of Employees' Compensation regulations; initiating corrective measures for violations of the Occupational Safety and Health Act Standards, and directing the periodic inspection of all work places.

**1. KNOWLEDGE REQUIRED BY THE POSITION**

The incumbent must have a thorough knowledge of the enforcement activities required under the Federal Mine Safety and Health Act of 1977.

Knowledge of mining and civil/criminal investigative procedures gained through extensive practical experience and training.

A thorough knowledge of Mine Safety and Health and other organizations in MSHA, as well as individual programs and policies.

Must possess managerial and supervisory knowledge in order to effectively manage a complex office and motivate individuals to effectively and equitably enforce coal mine safety and health regulations.

**2. SUPERVISORY CONTROL**

Performs under the direction of the District Manager, operating within the framework of prescribed Agency and Departmental policies and guidelines. Exercises independence in planning, scheduling and carrying out district investigative responsibilities. Results of incumbent's performance are reviewed for adherence to Agency policies and for assurance that program objectives are fulfilled.

**3. GUIDELINES**

Incumbent is guided by Federal, Departmental, MSHA, and CMS&H policies, guidelines, procedures and regulations. In many instances, guidelines may allow for a great degree of latitude in interpretation and implementation.

**4. COMPLEXITY**

Assignments involve a wide range of unusually controversial and complex investigative activities associated with civil and/or criminal violations of P.L. 95-164 and other special investigations as required under Title I, Section 110 of the Act.

Provides advice, guidance, and assistance for the district, headquarters office as well as the field offices, and recommends policy direction to the District Manager.

## **5. SCOPE AND EFFECT**

Actions taken by the incumbent can have far-reaching financial and legal effect on companies and employees of the coal mining industry.

Investigations of possible violations of the Act may result in criminal or civil action being taken against the coal companies and/or parties thereof by the Department of Justice or Labor, resulting in fines, probation or prison terms.

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Discrimination complaint investigations may result in MSHA's requiring a coal company to hire or reinstate an employee if sufficient evidence warrants such action. The investigation may also result in requiring the company to pay additional salaries to an employee, when salaries have been withheld. Investigations have an impact on the mandatory standard(s), which the operator proposes to modify in order to achieve a greater degree of safety.

## **6. PERSONAL CONTACTS**

The incumbent interacts with corporate officials and high level managers and attorneys across a wide spectrum of the public sector and Federal Government including: Department of Labor, Department of Justice, the Federal Mine Safety and Health Review Commission, State agencies, the mining industry, and labor organizations.

Represents the Agency in special investigations of mine operations and procedures which may involve sensitive issues, such as is the case with investigations regarding possible criminal violations. In many cases, there are issues for which there are no clear-cut answers. The data may be dubious, situations atypical, etc., the incumbent's persuasiveness and recognized expertise are brought to bear in resolving controversies and/or presenting the facts as they appear. Operators are often trying to minimize expenditures of time and money, so the incumbent must convince them of the importance of safety precautions which may be costly.

## **7. PURPOSE OF CONTACTS**

The purpose of these contacts is to represent the District Manager and/or the agency to justify, defend, negotiate or settle matters involving significant investigative issues impacting on CMS&H. It requires that the incumbent participate in conferences, meetings, or hearings on these issues.

8. PHYSICAL DEMANDS

Frequent travel to mine sites is necessary, requiring that the incumbent be physically capable of performing arduous duties of this position without hazard to himself or fellow employees, and be capable of sustained physical exertion for six to eight hours under hazardous conditions.

9. WORK ENVIRONMENT

Work underground may be in close confinement, in and out of small spaces, where dampness and low water areas are expected. Crawling on hands and knees is common practice. Climbing ladders without convenient rest stations is a possibility. On occasion, may operate with little light and be frequently exposed to dusts, gases and fumes.

POSITION DESCRIPTION (Please Read Instructions on the Back)						C-01-4-46 SLODII		1. Agency Position No. CBP11401			
2. Reason for Submission		3. Service		4. Employing Office Location		5. Duty Station		6. OPM Certification No.			
<input checked="" type="checkbox"/> Redescription <input type="checkbox"/> Reestablishment		<input type="checkbox"/> New <input type="checkbox"/> Other		<input type="checkbox"/> Hdqrs. <input checked="" type="checkbox"/> Field		Philadelphia, PA		Mount Hope, WV			
7. Fair Labor Standards Act				8. Financial Statements Required				9. Subject to IA Action			
<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt				<input type="checkbox"/> Executive Personnel <input type="checkbox"/> Financial Disclosure				<input type="checkbox"/> Employment and <input type="checkbox"/> Financial Interests			
10. Position Status				11. Position is:				12. Sensitivity			
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)				<input checked="" type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Neither				<input checked="" type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 3-Critical Sensitive <input type="checkbox"/> 4-Special Sensitive			
13. Competitive Level Code				14. Agency Use				15. Classified/Graded by			
GM-1822.30.01-14				A				Official Title of Position			
a. U.S. Office of Personnel Management				b. Department, Agency or Establishment				c. Second Level Review			
d. First Level Review				Supervisory Coal Mine Safety & Health Inspector				GM 1822 14			
e. Recommended by Supervisor or Initiating Office				16. Organizational Title of Position (if different from official title)				17. Name of Employee (if vacant, source)			
				Assistant District Manager				Lincoln L. SELF JR.			
18. Department, Agency, or Establishment				a. Third Subdivision				b. Typed Name and Title of Immediate Supervisor			
Department of Labor				District 4 Inspection Division				Michael J. Lawless District Manager			
a. First Subdivision				d. Fourth Subdivision				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)			
Mine Safety & Health Administration				Mount Hope, West Virginia				Robert A. Elam Deputy Administrator for CMS&H			
b. Second Subdivision				e. Fifth Subdivision				Signature			
Coal Mine Safety & Health								Signature			
19. Employee Review—This is an accurate description of the major duties and responsibilities of my position.				Signature of Employee (optional)				Date			
								4/6/95			
20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.								4/17/95			
a. Typed Name and Title of Immediate Supervisor				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)							
Michael J. Lawless District Manager				Robert A. Elam Deputy Administrator for CMS&H							
Signature				Signature				Date			
Signature				Signature				Date			
4/6/95				4/17/95				4/17/95			
21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.				22. Position Classification Standards Used in Classifying/Grading Position							
Typed Name and Title of Official Taking Action				Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.							
R. B. KNIGHT Position Classification Specialist											
Signature				Signature				Date			
Signature				Signature				Date			
4/22/95											
23. Position Review				Initials				Date			
a. Employee (optional)											
b. Supervisor											
c. Classifier											
24. Remarks											



Supervisory Mine Safety and Health Inspector  
(Assistant District Manager for Inspection Programs)  
GM-1822-14

Introduction

This position is located in a Coal Mine Safety and Health (CMS&H) District organization. The incumbent of this position serves as an Assistant District Manager exercising administrative and technical responsibility for the management and oversight of inspection activities throughout the district as required by the Federal Mine Safety and Health Act of 1977 (P.L. 95-164) (Mine Act). The inspection program consists of inspection activities and accident investigations in the immediate offices of the District and Assistant District Managers and the field offices. The incumbent has staff and line responsibilities over field office supervisors who oversee the work of inspection personnel.

Major Duties and Responsibilities

1. Directs the inspection program throughout the District and ensures that all safety and health inspections and accident investigations are carried out according to the Mine Act; ensures that deadlines are met and proper coordination is maintained between the Assistant District Manager's office and other organizations within the Agency.
2. Reviews inspection program operations in the District; identifies and resolves problems or recommends to the District Manager adjustments to the inspection program; ensures district inspection activities are in compliance with Agency policies; consults with other District Managers and supervisors on work-related changes to enhance consistency in implementation of Agency policies, guidelines, and directives.
3. Advises the District Manager and field personnel on a full range of health and safety activities, court and/or hearing proceedings, and technical and administrative matters; incumbent is subject to call at any time to offer testimony of fact at hearings and court proceedings on appeals presented under provisions of the Mine Act.
4. Serves as Acting District Manager in the absence of the District Manager and directs all District activities.
5. Acts as a consultant and advisor on mine health and safety activities to State mining, health, inspection and commerce officials; with mining industry officials; with management and labor officials; and with independent mine owners for the purpose of rendering expert advice and explaining the provisions of the Federal coal mining laws; represents the District Manager at technical meetings, conferences, and seminars.

6. Directs, coordinates and/or assists in on-site rescue and recovery operations following mine explosions, fires and other mine disasters.
7. Accompanies inspectors, engineers, and other employees, during their regular or special assignments in coal mines and related plants to assure the utmost work efficiency and quality, and makes personal examinations of underground and surface coal mining operations to keep fully informed on the latest technical developments in mining processes and equipment.
8. Serves as a member of various MSHA committees established to develop MSHA policy and guidelines regarding the inspection programs. As an acknowledged specialist on the inspection program and all aspects of coal mine operations, aids the committees in establishing reasonable technical requirements for implementation of the Mine Act; reviews proposed regulatory and programmatic changes; and provides advice on the probable impact of changes on the inspection program and recommends adjustments.
9. Directly or indirectly supervises a large staff of professional, technical, and support personnel located throughout the District; selects or recommends the selection of subordinate staff; makes decisions on work problems presented by subordinate supervisors; evaluates performance or reviews evaluations made by subordinate supervisors; reviews or resolves serious complaints or disciplinary cases.

EEO: As a supervisor, incumbent is responsible for ensuring equal opportunity for all employees supervised by identifying areas where meaningful steps toward equal opportunity are necessary in all facets of personnel management. In the selection of employees for training, promotion, awards, and recognition, and other career development opportunities, is responsible for assisting every employee to develop skills so that the employee may attain a full utilization of talents. The supervisor also insures fair and unprejudiced employment practices in the recruitment and selection of candidates for appointments to positions and is responsible for initiating and supporting programs relating to the training and the advancement of employees in "dead-end" positions. Is responsible for actively supporting the Equal Opportunity Program in day-to-day activities and is evaluated on performance in this area on a regular basis.

LMR: Regardless of the status of local employee organizations, supervisor is responsible for being knowledgeable about management's role and responsibilities

in labor management relations. Where a local agreement is in effect, is responsible for becoming completely familiar with the terms of agreement.

Safety: As a supervisor, incumbent is responsible for the on-the-job safety and health of all employees under the District's jurisdiction. Initiates efforts conforming to established local and MSHA safety programs to satisfy this responsibility. Responsibilities include identifying and correcting job safety and health hazards; instructing employees on safety requirements for job assignments; reviewing and reporting loss incidents, in accordance with MSHA and Office of Employees' Compensation regulations; initiating corrective measures for violations of the Occupational Safety and Health Act standards, and directing the periodic inspection of all work places.

#### Factors

##### 1. Knowledge Required by the Position

Comprehensive knowledge of coal mining or extensive practical experience in coal mining and health and safety practices and procedures.

Comprehensive knowledge of the enforcement activities required under the Federal Coal Mine Safety and Health laws, regulations, policies and procedures.

Managerial and supervisory knowledge in order to effectively manage a complex office and motivate individuals to effectively and equitably enforce CMS&H regulations.

Thorough knowledge of CMS&H and other MSHA organizations and their respective individual programs and policies.

Substantial skill in oral and written communications.

##### 2. Supervisory Controls

Performs under the direction of the District Manager for CMS&H, operating within the framework of prescribed Agency and departmental policies and guidelines. Exercises independence in planning and scheduling District inspection operations. Results of incumbent's work are evaluated in terms of effectiveness of programs; adherence to Agency policies and achievement of program objectives.

3. Guidelines

Incumbent is guided by the Mine Safety and Health Act of 1977 and other Federal, departmental, MSHA and CMS&H policies, procedures, directives, and administrative and technical guidelines in the field of management and administration. Where guidance is vague or unclear incumbent has substantial latitude for interpreting and applying policies, guidelines, procedures, etc.

4. Complexity

The incumbent must apply knowledge, experience, and seasoned judgement in planning and coordinating various safety and health programs and enforcing a wide range of safety and health standards which are continually being issued, revised and amended. Enforcement of these standards often leads to controversial and complex actions which have to be negotiated in a sensitive manner.

5. Scope and Effect

The responsibilities of this position encompass the enforcement of all coal mine safety and health standards and regulations in a uniform and equitable manner, which contributes to the overall effectiveness of the CMS&H organization and enhances the mission of MSHA.

The enforcement responsibilities and the sanctions imposed by the incumbent are of economic, social, and frequently political in nature, and the incumbent must effectively deal with grieved parties while protecting and promoting, as their paramount responsibility, the health, safety and welfare of the thousands of workers employed in the industry. The incumbent, as a representative of the Secretary, has the responsibility and authority to cease the operation of a mine if the incumbent detects a violation of regulations felt sufficiently severe to endanger the health and safety of miners. Decisions may adversely affect both the company and the employees in that the financial burden of compliance under certain circumstances could cause closure of the mine.

According to the National Safety Council, underground coal mining is the most dangerous occupation in America based on accidental death and serious injury rates. There is intense interest in mineral industry health and safety from the White House, the Congress, the Department of Labor, the mineral and allied industries, and the public. Consequently, the mineral and allied industries and other similar positions have an effect on the work program of the Agency,

the Department and the Federal government, and must meet the rigid requirements and high standards of a wide range of interest and a very wide sector of the public.

6. Personal Contacts

The incumbent interacts with corporate officials and high-level managers across a wide spectrum of the public sector and the Federal government including: Department of Labor, MSHA, CMS&H, other Federal agencies, State agencies, the mining industry, labor organizations and the academic community.

7. Purpose of Contacts

Regularly meets with high-level officials for the purpose of rendering expert advice and explaining the provisions of the law. Confers with employees of the district to execute the administrative, technical and enforcement responsibilities of the organization.

8. Physical Demands

Works in a basically sedentary environment; however, may travel to mine sites as necessary, requiring that the incumbent be physically capable of performing arduous duties of the position without hazard to himself/herself or fellow employees, and be capable of sustained physical exertion and high levels of pressure and stress.

9. Work Environment

Works primarily in an office setting; however, trips to mining operations are necessary. Work underground may be in close confinement, in and out of small spaces, where dampness and low water areas are expected. Crawling on hands and knees is common practice. Climbing ladders without convenient rest stations is a possibility. On occasion, may operate with little light, and be frequently exposed to dust, gases and fumes.



POSITION DESCRIPTION (Please Read Instructions on the Back)						1. Agency Position No. 200499	
2. Reason for Submission <input type="checkbox"/> Redescription <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Hdqtrs <input type="checkbox"/> Field <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other Explanation (Show any positions replaced)		3. Service <input checked="" type="checkbox"/> Hdqtrs <input type="checkbox"/> Field		4. Employing Office Location Arlington, VA		5. Duty Station Arlington, VA	
		7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input checked="" type="checkbox"/> Employment and Financial Interest		9. Subject to IA Action <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		10. Position Status <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position is <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 3-Critical <input checked="" type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive	
				13. Competitive Level Code		14. Agency Use 8888	
15. Classified/Graded by		Official Title of Position		Pay Plan		Occupational Code	
a. Office of Personnel Management		Director, Office of Accountability		GS		0301	
b. Department, Agency or Establishment						15	
c. Second Level Review							
d. First Level Review							
e. Recommended by Supervisor or Initiating Office		Director, Office of Accountability		GS		0301	
						15	
16. Organizational Title of Position (if different from official title)				17. Name of Employee (if vacant, specify)			
18. Department, Agency, or Establishment U.S. Department of Labor				c. Third Subdivision Office of Accountability			
a. First Subdivision Mine Safety and Health Administration				d. Fourth Subdivision			
b. Second Subdivision Office of the Assistant Secretary				e. Fifth Subdivision			
19. Employee Review-This is an accurate description of the major duties and responsibilities of my position.				Signature of Employee (optional)			
20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that				this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.			
a. Typed Name and Title of Immediate Supervisor Director, Office of Accountability				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)			
Signature _____ Date 12/10/07				Signature _____ Date _____			
21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.				22. Position Classification Standards Used in Classifying/Grading Position PCS 0301 (S-38 DTD JAN 1979) S886			
Typed Name and Title of Official Reviewer Resources Specialist				Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.			
Signature _____ Date 12/7/07							
23. Position Review		Initials		Date		Initials	
a. Employee (optional)							
b. Supervisor							
c. Classifier							
24. Remarks Position is at the full performance level.							
25. Description of Major Duties and Responsibilities (See Attached)							

NS-140-100-11205

Previous Edition Usable

5008-108

OF 8 (Rev. 1-85)  
U.S. Office of Personnel Management  
FPM Chapter 295

DIRECTOR, OFFICE OF ACCOUNTABILITY (OA)  
OFFICE OF THE ASSISTANT SECRETARY  
MINE SAFETY AND HEALTH

**INTRODUCTION:**

The incumbent of this position serves as the Director of the Office of Accountability (OA) in the Office of the Assistant Secretary. OA provides accountability oversight and examines MSHA's existing systems for identifying potential weaknesses in and adherence to its policies, procedures and guidance to identify actions that can be taken to ensure MSHA employees are following applicable directives and identify mining operations at which MSHA is not exerting appropriate levels of enforcement.

Accountability oversight includes examining required internal audits conducted after major mining accidents, mandated evaluations of specific functions and scheduled audits of major MSHA program areas. Audit results are reported directly to the Assistant Secretary and key management officials and include comprehensive recommendations for improvements that include establishment and/or modification of program objectives, policies, procedures, resource allocations, as well as disciplinary and/or remedial actions.

**DUTIES AND RESPONSIBILITIES:**

Plans and directs comprehensive internal audits to ensure adherence to Federal regulations and DOL and MSHA regulations policies and procedures.

Evaluates the effectiveness of internal controls and operating practices.

Determines compliance with policies and procedures; reports on deviations uncovered, identified control weaknesses, and prescribes remedial action(s).

Develops modifications to existing programs.

Develops audit findings including recommendations for improvements in policies, procedures, and methods.

Serves as principal advisor to the Assistant Secretary for MSHA regarding accountability activities. Directs the conduct of accountability reviews of audits and reviews, mandated by MSHA policies and procedures, that may result in recommendations that have a major impact on MSHA programs and policies.

Recommends actions that can be taken to address and resolve deficiencies wherever they exist.

Coordinates, on behalf of the Assistant Secretary, the implementation of recommended corrective actions.

Performs accountability reviews at the direction of the Assistant Secretary. The incumbent is frequently called upon at any time and may be required to perform this work within short deadlines. Incumbent is faced with constantly changing priorities and must redirect efforts of the staff accordingly.

Coordinates a variety of internal and external accountability reviews with minimal disruption to the programs and operations and keeps the Assistant Secretary informed at all times.

Supervises a staff of GS-14 Accountability Specialists. Hires new staff; schedules, assigns, and reviews work; approves leave; establishes performance requirements and evaluates performance; recommends promotions, reassignments or disciplinary action; and identifies and arranges needed training, as needed. The assigned staff is augmented by drawing on the professional staff of other MSHA program areas, as necessary.

#### KNOWLEDGE REQUIRED BY THE POSITION:

1. In-depth knowledge of the Federal Mine Safety and Health Act, MSHA regulations, major provisions of Federal, Departmental regulations, directives, and guidelines governing program operations.
2. Extensive knowledge and experience in conducting Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health inspections.
3. Thorough knowledge of the provisions of P.L. 95-164 with special emphasis on the requirements of Title 1: miner's rights and entitlements; operator's petitions, citations and orders, pattern of violations, unwarrantable failure, employee discrimination, penalty assessments, judicial reviews and processes.
4. In-depth knowledge of MSHA's goals, mission, enforcement policies, and support activities and their interrelationships and functions.
5. Thorough knowledge of the concepts, principles, theories and practices of performing formal audits enabling the incumbent to serve as an expert in all areas of agency accountability.

6. In-depth knowledge of analytical research and theories, principles and techniques that are directly related to efficient and optimum accomplishments of MSHA's mission.
7. In-depth knowledge of the goals, mission and technical programs of MSHA and their relationship with other Departmental programs and activities.
8. Thorough knowledge of MSHA organization, enforcement policies and supportive activities and their interrelationships and functions.
9. In-depth knowledge of management practices and procedures with emphasis on DOL/MSHA regulation and policy directives.

#### GRADE EVALUATION FACTORS

##### FACTOR 1 – Program Scope and Effect

The incumbent manages the oversight and review of all MSHA accountability of programs which are ongoing in all states and territories of the United States. Enforcement of mine safety and health standards is the principal mandate and mission of MSHA, coming from P.L. 95-164 and the vast majority of MSHA employees are engaged in this work. Accountability studies conducted by the Office of Accountability have profound influence on the course of MSHA programs and operations, achievement of MSHA goals and objectives, MSHA policies affecting the mining industry nationwide, and the Secretary of Labor fulfilling his/her responsibilities as prescribed in P.L. 95-164

##### FACTOR 2 – Organizational Setting

The incumbent reports to the Assistant Secretary an Executive-level position appointed by the President with the advice and consent of by the U.S. Senate.

##### FACTOR 3 – Supervisory and Managerial Authority Exercised

The incumbent is responsible for making decisions on work problems presented by subordinate non-supervisory employees recommending selections for subordinate non-supervisory positions, and recommending awards and performance bonuses and changes in positions classification.

#### FACTOR 4 – Personal Contacts

**Nature of Contacts:** The incumbent maintains extensive liaison with high-level management personnel in MSHA, the Department of Labor, other Federal and State agencies, the mining industry, labor organizations and members of Congress. These contacts take place in conferences, meetings, briefings, speeches, and presentations. Some reviews/reports may necessitate contact with staff of GAO, OMB, Congress, and of other Executive Branch Departments such as Energy or Interior.

**Purpose of Contacts:** The incumbent maintains the contacts identified above in the regular course of managing, coordinating and reporting the accountability efforts. Frequent contacts will be on subjects where substantial room exists for differing opinion, and perception of goals and objectives may conflict. Substantial persuasion or persistence may be required to obtain information that may prove adverse to MSHA management. Additionally, the incumbent may be required to explain and defend findings and to justify significant and controversial recommendations.

#### FACTOR 5 – Difficulty of Typical Work Directed

Principal guidelines are contained in the Mine Act and 30 CFR. Additional guidelines are also found in OMB circulars, departmental issuance and laws affecting programs and activities of MSHA. The incumbent operates within the broad scope and authority of the Office of the Assistant Secretary for the purpose of identifying possible agency deficiencies, providing oversight for internal audits, and performing follow up to ensure that corrective actions identified by accountability audits are fully implemented and ongoing.

#### FACTOR 6 – Other Conditions

Supervision and oversight requires significant and extensive coordination and integration of a number of important projects or program segments of technical and administrative work.

#### FACTOR 7 – Physical Demands

The work generally requires extensive travel and physical exertion such as walking over rough uneven surfaces, crouching, stooping and similar activities as may be expected to be encountered in a mining environment.



#### **FACTOR 8 – Work Environment**

**The work environment will consist of both office work and traveling into a mines with exposure to risks and discomforts encountered in a mining environment which require the use of protective clothing such as hard hat, safety glasses, respirator and safety shoes.**

07/02/2012

1/4

- Joe Presiding
- Doug, Kevin, Lynn
- IR Report  $\Rightarrow$  large amount of mitigating circumstances.
- Other issues  $\Rightarrow$  mitigating factors up front.
  - Expand note
  - Other agencies
  - Aggressive  $\Rightarrow$  mention 104(d) orders at UBB toughest enforcement tools.
  - D4 split implications  $\Rightarrow$  another layer of management.  
Plan approve too. (G)
  - Variety of issues
    - Experience
    - Confirmed A/S? since 2004.
    - Directives  $\Rightarrow$  Rock dust
    - Training issues
    - Additional duties since Sago
  - More on resource constraints
- Acting Supervisors
  - How long?
  - Were they paid?
  - Did they inspect?
  - Policy on Moore.

- Page 2 - Turnover in 2003 and 2004.
- Matthea was demoted.  $\Rightarrow$  has EEO complaint.  
Leave out name.
  - Demotion issue coming out.
  - Who were department supervisors when, no more than that.
  - Leave names of acting supervisors in.
  - Add that acting supervisors were still getting paid as inspectors (GS-12) if true.

- Page 4

- Inspections and investigations.  
Check quote.

Drop footnotes  $\Rightarrow$  side notes.

- drop "formal"

- Page 6

- Check Humphries  $\Rightarrow$  SI? Yes.
- Context on 2nd Qtr. Report.
- How many mines did supervisors have compared to other dist.
- Easter weekend B.S.
- Resource limitations  $\Rightarrow$  point to front
- All inspector experience.

3/4

- Bigger preface.
- How did F.O. rank
- D4 and D12 still ~~bigger~~ biggest (mines) in Coal.
- Page 7-8
  - Decentralization of Policy  $\Rightarrow$  when?
- List of actions:
  - Violation of policies
  - Mitigating factors
- How many missed retraining?
- How was OJT inadequate??
- No ~~training~~ <sup>training</sup> program for Supervisors in place. Not no training....
- What is rule on going back on stuff missed on earlier inspection?
- Page 9?
  - ADM didn't know trainees were traveling alone.
- Page 10?
  - Ditch "inferred"



- Page 11

- Not in mine file in a manner...  
what the hell does that mean?

- Page 12

- 40K V, 30 K.

- Did Kline say they would look at Pillor Stability later.

- Page 15

- OIG  $\Rightarrow$  did we follow up.
- PEIR didn't check !!
- \* Look at OIG report.

- Work on exam records

- Negligence

- Single row of posts.

- Failure to enforce.
- Moore.
- Test results were yellow.

- Not traveling...

- Float dust

- Stevens left Agency....

- Burns stuff DOA!



CONFIDENTIAL

George—

When you re-check your  
Files (Actually it is a <sup>priority</sup> ~~top priority~~ II)  
you should focus on following:

Line Sette — ① He did no "Follow up"  
to "too wet samples"  
in Mt Hope or Princeton

② Did no tracking of Plagrants

Bill

~~Joe Makowick~~ ① ~~did not coordinate~~  
~~ag on longwall~~

Bill

Don Winston ① ~~never got appns memo~~  
② allowed reg inspectors  
to conduct complex mine  
re six months reviews

③ didn't have enough  
specialists to conduct  
complex mine reviews

Tom Moore ① init on Roe

Confidential Agency Document

DLB 000667

MSHA-G.FESAK-0005

② ~~did not~~ 2 row  
posts to

over?

Jerome Stone (1) did not collect  
rock dust samples  
to w/in 50' of tail piece  
in H&E 22

(2) Missed 2 rows of posts  
in tg

(3) Old No. 2 Section  
If <sup>any</sup> not justifiable - let me know

Any additions for  
these folks let  
me know